

To: Funes, Jason[jason_funes@ios.doi.gov]
Cc: Timothy Williams[timothy_williams@ios.doi.gov]
From: Chrissy Harbin
Sent: 2017-06-12T09:56:26-04:00
Importance: Normal
Subject: Re: Scheduling a Meeting With the Department of the Interior
Received: 2017-06-12T09:56:37-04:00

Jason,

Thank you for reaching out. Happy to meet to discuss partnering on shared priorities. Let me know when works for you and Tim.

Chrissy Harbin | Vice President of External Affairs | Americans for Prosperity
M: (202) 560-1691 | E: charbin@afphq.org | T: [@ChrissyHarbin](https://twitter.com/ChrissyHarbin)

From: "Funes, Jason" <jason_funes@ios.doi.gov>
Date: Wednesday, June 7, 2017 at 10:00 AM
To: Matthew Anderson <Matt@sifreedom.org>
Cc: Timothy Williams <timothy_williams@ios.doi.gov>
Subject: Scheduling a Meeting With the Department of the Interior

Greetings From DOI,

It is a pleasure to be able to reach out to you today and as the new Special Assistant working in Intergovernmental and External Affairs, I very much look forward to engaging in constructive communications with you and your organization.

I would like to extend an invitation to you in order to schedule a meeting with the acting Director of my Department Tim Williams and I, at your earliest convenience. Please use the information below to contact me via email or phone today, and I look forward to hearing from you soon.

Best Wishes,

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
Office: (202) 208-5541

To: Valerie Smith[Valerie_V_Smith@ios.doi.gov]; Jason Funes[jfunes@ios.doi.gov]
From: Williams, Timothy
Sent: 2017-06-12T11:23:43-04:00
Importance: Normal
Subject: Fwd: Scheduling a Meeting With the Department of the Interior
Received: 2017-06-12T11:24:20-04:00

Could you work these guys into my schedule and include Jason Funes.

Tim Williams

----- Forwarded message -----

From: **Chrissy Harbin** <Charbin@afphq.org>
Date: Mon, Jun 12, 2017 at 9:56 AM
Subject: Re: Scheduling a Meeting With the Department of the Interior
To: "Funes, Jason" <jason_funes@ios.doi.gov>
Cc: Timothy Williams <timothy_williams@ios.doi.gov>

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Special Assistant

Intergovernmental and External Affairs

Office of the Secretary

Department of the Interior

Office: (202) 208-5541

--
Department Of The Interior

External and Intergovernmental Affairs

Timothy Williams

timothy_williams@ios.doi.gov

Office: (202) 208-6015

Cell: (202) 706-4982

To: Chrissy Harbin[CHarbin@afphq.org]; Valerie Smith[Valerie_V_Smith@ios.doi.gov]
Cc: Funes, Jason[jason_funes@ios.doi.gov]
From: Williams, Timothy
Sent: 2017-06-12T11:24:20-04:00
Importance: Normal
Subject: Re: Scheduling a Meeting With the Department of the Interior
Received: 2017-06-12T11:24:56-04:00

I am including Valerie who handles my schedule to set up the meeting.
Tim Williams

On Mon, Jun 12, 2017 at 9:56 AM, Chrissy Harbin <CHarbin@afphq.org> wrote:

Jason,

Thank you for reaching out. Happy to meet to discuss partnering on shared priorities. Let me know when works for you and Tim.

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Special Assistant

Intergovernmental and External Affairs

Office of the Secretary

Department of the Interior

Office: (202) 208-5541

--

Department Of The Interior

External and Intergovernmental Affairs

Timothy Williams

timothy_williams@ios.doi.gov

Office: (202) 208-6015

Cell: (202) 706-4982

To: Williams, Timothy[timothy_williams@ios.doi.gov]
Cc: Jason Funes[jfunes@ios.doi.gov]
From: Smith, Valerie
Sent: 2017-06-12T12:10:29-04:00
Importance: Normal
Subject: Re: Scheduling a Meeting With the Department of the Interior
Received: 2017-06-12T12:10:36-04:00

Will do

Valerie V. Smith

Program Assistant, Office of Intergovernmental and External Affairs
Office of the Secretary - Department of the Interior - Room 6213
(202) 208-1923 (office)
valerie_v_smith@ios.doi.gov

On Mon, Jun 12, 2017 at 11:23 AM, Williams, Timothy <timothy_williams@ios.doi.gov> wrote:

Could you work these guys into my schedule and include Jason Funes.
Tim Williams

----- Forwarded message -----

From: **Chrissy Harbin** <Charbin@afphq.org>
Date: Mon, Jun 12, 2017 at 9:56 AM
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To: "Funes, Jason" <jason_funes@ios.doi.gov>
Cc: Timothy Williams <timothy_williams@ios.doi.gov>

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Special Assistant

Intergovernmental and External Affairs

Office of the Secretary

Department of the Interior

Office: (202) 208-5541

--
Department Of The Interior

External and Intergovernmental Affairs
Timothy Williams

timothy_williams@ios.doi.gov

Office: (202) 208-6015

Cell: (202) 706-4982

From: timothy_williams@ios.doi.gov
Importance: Normal
Subject: Invitation: Meeting with Timothy Williams to discuss partnering on s... @ Wed Jun 14, 2017 2pm - 2:30pm (jason_funes@ios.doi.gov)
Start Date/Time: 2017-06-14T14:00:00-04:00
End Date/Time: 2017-06-14T14:30:00-04:00
[invite.ics](#)

[more details »](#)

Meeting with Timothy Williams to discuss partnering on shared priorities (Chrissy Harbin)

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Wed Jun 14, 2017 2pm – 2:30pm Eastern Time

When
Video call

(b)(5),(b)(6)

Calendar
Who

(b)...

jason_funes@ios.doi.gov

timothy_williams@ios.
valerie_v_smith@ios.
jason_funes@ios.doi.

Going? **Yes** - **Maybe** - **No** [more options »](#)
Invitation from [Google Calendar](#)

You are receiving this email at the account jason_funes@ios.doi.gov because you are subscribed for invitations on calendar jason_funes@ios.doi.gov.

To stop receiving these emails, please log in to <https://www.google.com/calendar/> and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. [Learn More](#).

Meeting with Timothy Williams to discuss partnering on shared priorities (Chrissy Harbin)

20170614T180000Z
CONFIRMED

PRODID

-//Google Inc//Google Calendar 70.9054//EN

Version

2.0

CALSCALE

GREGORIAN

METHOD

REQUEST

Start Date/Time

20170614T180000Z

End Date/Time

20170614T183000Z

DTSTAMP

20170612T192912Z

ORGANIZER (CN=timothy_williams@ios.doi.gov)
mailto:timothy_williams@ios.doi.gov

UID

qhr60mhc3t9luno3341stdpdf4@google.com

Attendee mailto:jason_funes@ios.doi.gov
Role REQ-PARTICIPANT
RSVP TRUE

Attendee mailto:timothy_williams@ios.doi.gov
Role REQ-PARTICIPANT
RSVP TRUE

CREATED

20170612T192912Z

Description

On Mon, Jun 12, 2017 at 9:56 AM, Chrissy Harbin <CCharbin@afphq.org> wrote:
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Chrissy Harbin | Vice President of External Affairs | Americans for Prosperity
M: (202) 560-1691 | E: charbin@afphq.org | T: @ChrissyHarbin

This event has a Google Hangouts video call.

Join:

(b)(5),(b)(6)

(b)(5),(b)(6)

View your event at

https://www.google.com/calendar/event?action=VIEW&eid=cWhyNjBtaGMzdDlsdW5vMzM0MXN0ZHBkZjQgamFzb25fZnVuZXNAaW9zLmRvaS5nb3Y&tok=MjgjdGltb3RoeV93aWxsaWFtc0Bpb3MuZG9pLmdvdjkxMGM0ZmFkOTc4Yzg1MTAwMjc1ODA0NDI5ZjRjMDE5ODNkZmZhYjM&ctz=America/New_York&hl=en

Last Modified

20170612T192912Z

Location

Sequence Number

0

Status

CONFIRMED

Summary

Meeting with Timothy Williams to discuss partnering on shared priorities (Chrissy Harbin)

Time Transparency

OPAQUE

From: timothy_williams@ios.doi.gov
Location: Conference Room 6023 - 1849 C Street NW, Washington, DC 202-208-1923
Importance: Normal
Subject: Updated Invitation: Meeting with Timothy Williams to discuss partnering on s... @ Wed Jun 14, 2017 2pm - 2:30pm (jason_funes@ios.doi.gov)
Start Date/Time: 2017-06-14T14:00:00-04:00
End Date/Time: 2017-06-14T14:30:00-04:00
[invite.ics](#)

This event has been changed.

[more details »](#)

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Wed Jun 14, 2017 2pm – 2:30pm Eastern Time

When

Where

Changed: Conference Room 6023 - 1849 C Street NW, Washington, DC 202-208-1923 ([map](#))

Video call

(b)(5),(b)(6)

Calendar

jason_funes@ios.doi.gov

Who

-
-
-

timothy_williams@ios.

valerie_v_smith@ios.

jason_funes@ios.doi.

Going? **Yes** - **Maybe** - **No** [more options »](#)

Invitation from [Google Calendar](#)

You are receiving this email at the account jason_funes@ios.doi.gov because you are subscribed for updated invitations on calendar jason_funes@ios.doi.gov.

To stop receiving these emails, please log in to <https://www.google.com/calendar/> and change your notification settings for this calendar.

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**Meeting with Timothy Williams to discuss partnering on
shared priorities (Chrissy Harbin)**
Conference Room 6023 - 1849 C Street NW, Washington, DC
202-208-1923
20170614T180000Z
CONFIRMED

PRODID

-//Google Inc//Google Calendar 70.9054//EN

Version

2.0

CALSCALE

GREGORIAN

METHOD

REQUEST

Start Date/Time

20170614T180000Z

End Date/Time

20170614T183000Z

DTSTAMP

20170612T193015Z

ORGANIZER (CN=timothy_williams@ios.doi.gov)
mailto:timothy_williams@ios.doi.gov

UID

qhr60mhc3t9luno3341stdpdf4@google.com

Attendee

mailto:timothy_williams@ios.doi.gov

Role REQ-PARTICIPANT

RSVP TRUE

Attendee

mailto:jason_funes@ios.doi.gov

Role REQ-PARTICIPANT

RSVP TRUE

CREATED

20170612T192912Z

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This event has a Google Hangouts video call.

Join: [REDACTED]

(b)(5),(b)(6)

[REDACTED]
(b)(5),(b)(6)

View your event at

https://www.google.com/calendar/event?action=VIEW&eid=cWhyNjBtaGMzdDlsdW5vMzM0MXN0ZHBkZjQgamFzb25fZnVuZXNAaW9zLmRvaS5nb3Y&tok=MjgjdGltb3RoeV93aWxsaWFtc0Bpb3MuZG9pLmdvdjkxMGM0ZmFkOTc4Yzg1MTAwMjc1ODA0NDI5ZjRjMDE5ODNkZmZhYjM&ctz=America/New_York&hl=en

Last Modified

20170612T193014Z

Location

Conference Room 6023 - 1849 C Street NW, Washington, DC 202-208-1923

Sequence Number

0

Status

CONFIRMED

Summary

Meeting with Timothy Williams to discuss partnering on shared priorities (Chrissy Harbin)

Time Transparency

OPAQUE

From: Google Calendar
Location: Conference Room 6023 - 1849 C Street NW, Washington, DC 202-208-1923
Importance: Normal
Subject: Accepted: Meeting with Timothy Williams to discuss partnering on s... @ Wed Jun 14, 2017 2pm - 2:30pm (timothy_williams@ios.doi.gov)
Start Date/Time: 2017-06-14T14:00:00-04:00
End Date/Time: 2017-06-14T14:30:00-04:00
[invite.ics](#)

Jason Funes has accepted this invitation.

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Wed Jun 14, 2017 2pm – 2:30pm Eastern Time

When
Where

Conference Room 6023 - 1849 C Street NW,
Washington, DC 202-208-1923 ([map](#))

Video call
Calendar
Who

(b)...
[\(b\)\(5\),\(b\)\(6\)](mailto:timothy_williams@ios.doi.gov)

timothy_williams@ios.doi.gov

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•
•

timothy_williams@ios.
valerie_v_smith@ios.
jason_funes@ios.doi.

Invitation from [Google Calendar](#)

You are receiving this email at the account timothy_williams@ios.doi.gov because you are subscribed for invitation replies on calendar timothy_williams@ios.doi.gov.

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Conference Room 6023 - 1849 C Street NW, Washington, DC
202-208-1923
20170614T180000Z
CONFIRMED

PRODID

-//Google Inc//Google Calendar 70.9054//EN

Version

2.0

CALSCALE

GREGORIAN

METHOD

REPLY

Start Date/Time

20170614T180000Z

End Date/Time

20170614T183000Z

DTSTAMP

20170614T025424Z

ORGANIZER (CN=timothy_williams@ios.doi.gov)
mailto:timothy_williams@ios.doi.gov

UID

qhr60mhc3t9luno3341stdpdf4@google.com

Attendee mailto:jason_funes@ios.doi.gov
Role REQ-PARTICIPANT

CREATED

20170612T192912Z

Description

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Jason,

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This event has a Google Hangouts video call.

Join: [REDACTED] (b)(5)

[REDACTED] (b)(5)

Last Modified

20170614T025422Z

Location

Conference Room 6023 - 1849 C Street NW, Washington, DC 202-208-1923

Sequence Number

0

Status

CONFIRMED

Summary

Meeting with Timothy Williams to discuss partnering on shared priorities (Chrissy Harbin)

Time Transparency

OPAQUE

From: timothy_williams@ios.doi.gov
Location: Conference Room 6023 - 1849 C Street NW, Washington, DC 202-208-1923
Importance: Normal
Subject: Invitation: Meeting with Timothy Williams to discuss partnering on s... @ Wed Jun 14, 2017 2pm - 2:30pm (EDT) (charbin@afphq.org)
Start Date/Time: 2017-06-14T14:00:00-04:00
End Date/Time: 2017-06-14T14:30:00-04:00
[invite.ics](#)

[more details »](#)

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M: (202) 560-1691 | E: charbin@afphq.org | T: @ChrissyHarbin

Wed Jun 14, 2017 2pm – 2:30pm Eastern Time

When

Where

Conference Room 6023 - 1849 C Street NW,
Washington, DC 202-208-1923 ([map](#))

Video call

(b)(5),(b)(6)

(b)(...)

Calendar

charbin@afphq.org

Who

-
-
-
-

timothy_williams@ios.
valerie_v_smith@ios.
jason_funes@ios.doi.
charbin@afphq.org

Going? [Yes](#) - [Maybe](#) - [No](#) [more options »](#)

Invitation from [Google Calendar](#)

You are receiving this courtesy email at the account charbin@afphq.org because you are an attendee of this event.

To stop receiving future updates for this event, decline this event. Alternatively you can sign up for a Google account at <https://www.google.com/calendar/> and control your notification settings for your entire calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. [Learn More](#).

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Conference Room 6023 - 1849 C Street NW, Washington, DC
202-208-1923
20170614T180000Z
CONFIRMED

PRODID

-//Google Inc//Google Calendar 70.9054//EN

Version

2.0

CALSCALE

GREGORIAN

METHOD

REQUEST

Start Date/Time

20170614T180000Z

End Date/Time

20170614T183000Z

DTSTAMP

20170614T172131Z

ORGANIZER (CN=timothy_williams@ios.doi.gov)
mailto:timothy_williams@ios.doi.gov

UID

qhr60mhc3t9luno3341stdpdf4@google.com

Attendee mailto:jason_funes@ios.doi.gov

Role REQ-PARTICIPANT

RSVP TRUE

Attendee mailto:timothy_williams@ios.doi.gov

Role REQ-PARTICIPANT

RSVP TRUE

Attendee <mailto:charbin@afphq.org>

Role REQ-PARTICIPANT

RSVP TRUE

CREATED

20170612T192912Z

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Join: [REDACTED] (b)(5),(b)(6) [REDACTED]

(b)(5),(b)(6) [REDACTED]

View your event at

https://www.google.com/calendar/event?action=VIEW&eid=cWhyNjBtaGMzdDlsdW5vMzM0MXN0ZHBkZjQgY2hhcmJpbkBhZnBocS5vcmc&tok=MjgjdGltb3RoeV93aWxsaWFtc0Bpb3MuZG9pLmdvdmI1MTc3YmNmN2ZiNDFmZTVhNDFmZTcxMWVmZDQ2MzM5ZDJkOGE0Yzc&ctz=America/New_York&hl=en.

Last Modified

20170614T172131Z

Location

Conference Room 6023 - 1849 C Street NW, Washington, DC 202-208-1923

Sequence Number

0

Status

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Time Transparency

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Start Date/Time: 2017-06-14T14:00:00-04:00
End Date/Time: 2017-06-14T14:30:00-04:00

To: Williams, Timothy[timothy_williams@ios.doi.gov]; Jason Funes[jfunes@ios.doi.gov]
Cc: Grant Kidwell[GKidwell@afphq.org]
From: Chrissy Harbin
Sent: 2017-06-16T15:20:34-04:00
Importance: Normal
Subject: Thanks -- follow up
Received: 2017-06-16T15:20:47-04:00

Tim and Jason,

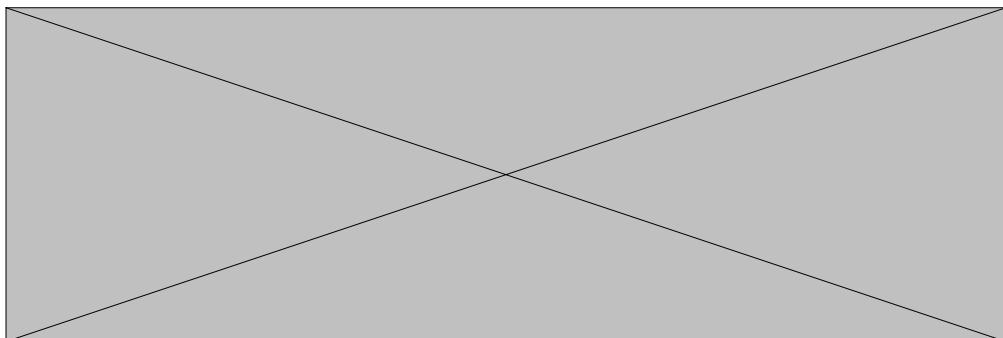
Thanks for meeting with us earlier this week. Good to learn about your upcoming priorities.

We will follow up in the near term with more state-based activities that support your efforts in reining in Bear's Ears. Please do continue to keep us in the loop (like the update below) on how we can be helpful.

Looking forward to working together on shared policy goals.

Chrissy Harbin | Vice President of External Affairs | Americans for Prosperity
M: (202) 560-1691 | E: charbin@afphq.org | T: [@ChrissyHarbin](https://twitter.com/ChrissyHarbin)

From: "Williams, Timothy" <timothy_williams@ios.doi.gov>
Date: Monday, June 12, 2017 at 3:15 PM
To: Jason Funes <jfunes@ios.doi.gov>
Subject: Fwd: Secretary Zinke Submits 45-Day Interim Report on Bears Ears National Monument and Extends Public Comment Period



Date: June 12, 2017
Contact: Interior_Press@ios.doi.gov

Secretary Zinke Submits 45-Day Interim Report on Bears Ears

National Monument and Extends Public Comment Period

WASHINGTON - U.S. Secretary of the Interior Ryan Zinke submitted a 45-day interim report on Bears Ears National Monument to President Donald J. Trump on Saturday, June 10, 2017, in accordance with the April 26, 2017, Executive Order (EO). The order directs the Secretary to review monuments designated under the Antiquities Act between January 1, 1996, and the present date that are 100,000 acres or more in size, or any monument the Secretary deems to have been created without appropriate public input. The EO also directs the Secretary to submit an interim report regarding Bears Ears specifically to the President no more than 45 days from the date of the EO.

The EO states: "Within 45 days of the date of this order, the Secretary shall provide an interim report to the President... The interim report shall include recommendations for such Presidential actions, legislative proposals, or other actions consistent with law as the Secretary may consider appropriate to carry out the policy set forth in section 1 of this order."

"I spent a lot of time on the ground in Utah, talking with people and understanding the natural and cultural significance of the area. There is no doubt that it is drop-dead gorgeous country and that it merits some degree of protection, but designating a monument that - including state land - encompasses almost 1.5 million-acres where multiple-use management is hindered or prohibited is not the best use of the land and is not in accordance with the intention of the Antiquities Act," said Secretary Zinke. "I've submitted my 45-day interim report to President Trump expressing my belief that the monument needs to be right-sized and that it is absolutely critical that an appropriate part be co-managed by the Tribal nations. I also recommend that Congress take action to protect some areas."

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82 FR 20429-20430 (May 1, 2017)

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Department Of The Interior

External and Intergovernmental Affairs
Timothy Williams
timothy_williams@ios.doi.gov
Office: (202) 208-6015
Cell: (202) 706-4982

To: Chrissy Harbin[CHarbin@afphq.org]; Williams, Timothy[timothy_williams@ios.doi.gov]; Jason Funes[jfunes@ios.doi.gov]
From: Grant Kidwell
Sent: 2017-06-16T15:52:55-04:00
Importance: Normal
Subject: RE: Thanks -- follow up
Received: 2017-06-16T15:53:18-04:00

I enjoyed chatting with you all as well. Thanks for the tour of interior. Great views from your rooftop.

From: Chrissy Harbin
Sent: Friday, June 16, 2017 3:21 PM
To: Williams, Timothy <timothy_williams@ios.doi.gov>; Jason Funes <jfunes@ios.doi.gov>
Cc: Grant Kidwell <GKidwell@afphq.org>
Subject: Thanks -- follow up

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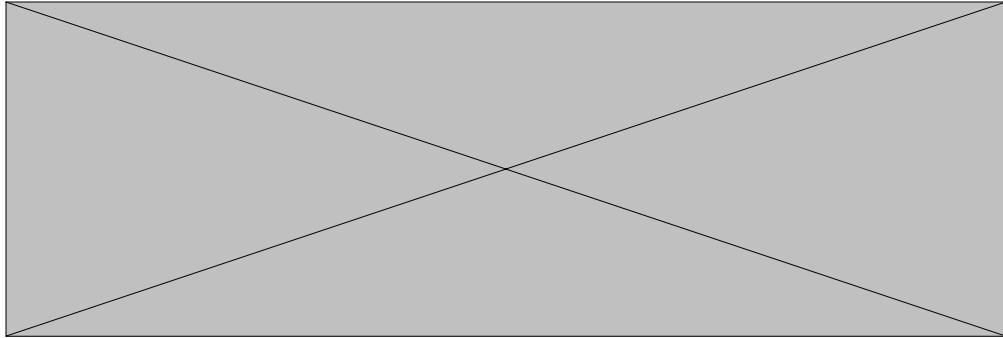
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M: (202) 560-1691 | E: charbin@afphq.org | T: [@ChrissyHarbin](https://twitter.com/ChrissyHarbin)

From: "Williams, Timothy" <timothy_williams@ios.doi.gov>
Date: Monday, June 12, 2017 at 3:15 PM
To: Jason Funes <jfunes@ios.doi.gov>
Subject: Fwd: Secretary Zinke Submits 45-Day Interim Report on Bears Ears National Monument and Extends Public Comment Period



Date: June 12, 2017
Contact: Interior_Press@ios.doi.gov

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82 FR 20429-20430 (May 1, 2017)

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To: Chrissy Harbin[CHarbin@afphq.org]; Grant Kidwell[GKidwell@afphq.org]
Cc: Williams, Timothy[timothy_williams@ios.doi.gov]
From: Funes, Jason
Sent: 2017-06-16T18:43:24-04:00
Importance: Normal
Subject: Re: Thanks -- follow up
Received: 2017-06-16T18:44:01-04:00

We are delighted to collaborate with you both and your organization moving forward! I will be sure to keep you up to date regarding similar press releases and information relevant to our topics of discussion; and contact us any time with questions or material.

Best wishes,
Jason Funes

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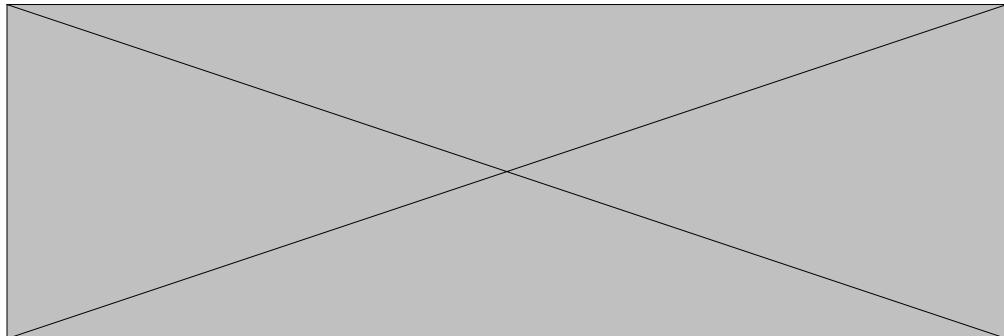
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Cell: (202) 706-4982

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Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
Office: (202) 208-5541

From: Funes, Jason
Sent: 2017-06-29T13:21:48-04:00
Importance: Normal
Subject: Please View This Very Important Video of the Secretary on Bloomberg
Received: 2017-06-29T13:23:12-04:00

To All,

Please share these videos, especially with groups that deal with energy issues.

<https://www.bloomberg.com/news/videos/2017-06-29/u-s-s-zinke-on-importance-of-energy-dominance-video>

<http://www.cnbc.com/video/2017/06/29/interior-secretary-ryan-zinke-on-us-energy-dominance.html>

This week's emphasis is on energy, and in a few hours you will all be receiving a press release regarding this issue as well as tomorrow.

It's an exciting time!

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Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
Office: (202) 208-5541

To: Funes, Jason[jason_funes@ios.doi.gov]
From: Chrissy Harbin
Sent: 2017-06-29T13:29:42-04:00
Importance: Normal
Subject: Re: Please View This Very Important Video of the Secretary on Bloomberg
Received: 2017-06-29T13:30:13-04:00

Thanks for sending! Great stuff.

Chrissy Harbin | Vice President of External Affairs | Americans for Prosperity
M: (202) 560-1691 | E: charbin@afphq.org | T: [@ChrissyHarbin](https://twitter.com/ChrissyHarbin)

From: "Funes, Jason" <jason_funes@ios.doi.gov>
Date: Thursday, June 29, 2017 at 1:21 PM
Subject: Please View This Very Important Video of the Secretary on Bloomberg

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To: Grant Kidwell[gkidwell@afphq.org]; Justin Sykes[jsykes@atr.org]; Katie Tubb[katie.tubb@heritage.org]; Ken Cuccinelli[ktc21968@gmail.com]; Kenneth Stein[kstein@alec.org]; Landon Stevens[landon.stevens@strata.org]; Michi Iljazi[michiiljazi@protectingtaxpayers.org]; Mike Thompson[mikethompson31@verizon.net]; Myron Ebell[myron.ebell@cei.org]; Nick Loris[nick.loris@heritage.org]; Taylor Barkley[taylor.barkley@cei.org]; Thomas Pyle, President[tpyle@energydc.org]; Wayne Brough[wbrough@freedomworks.org]; Wesley Coopersmith[wesley.coopersmith@heritageaction.com]

From: Funes, Jason

Sent: 2017-07-26T09:27:24-04:00

Importance: Normal

Subject: Federal Register Notice Open For Comments - Hydraulic Fracturing Regulation

Received: 2017-07-26T09:28:03-04:00

7.25.17Oil&Gas.pdf

For Energy Policy & Regulations Experts,

Below is an attachment for an issue dealing with Hydraulic Fracturing regulations that is now open for commentary.

<https://www.federalregister.gov/documents/2017/07/25/2017-15696/oil-and-gas-hydraulic-fracturing-on-federal-and-indian-lands-rescission-of-a-2015-rule>

Jason Funes
Special Assistant
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Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands; Rescission of a 2015 Rule

A Proposed Rule by the Land Management Bureau on 07/25/2017

 This document has a comment period that ends in 62 days. (09/25/2017)

DOCUMENT DETAILS

Printed version:

PDF (<https://www.gpo.gov/fdsys/pkg/FR-2017-07-25/pdf/2017-15696.pdf>)

Publication Date:

07/25/2017 (/documents/2017/07/25)

Agencies:

Bureau of Land Management (<https://www.federalregister.gov/agencies/land-management-bureau>)

Dates:

The BLM must receive your comments on this proposed rule or on the supporting Regulatory Impact Analysis or Environmental Assessment on or before September 25, 2017.

Comments Close:

09/25/2017

Document Type:

Proposed Rule

Document Citation:

82 FR 34464

Page:

34464-34471 (8 pages)

CFR:

43 CFR 3160

Agency/Docket Number:

LLWO300000 L13100000 PP0000 17X

RIN:

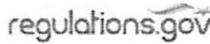
1004-AE52

Document Number:

2017-15696

DOCUMENT DETAILS

ENHANCED CONTENT



Docket Number:

BLM_FRDOC_0001 (https://www.regulations.gov/docket?D=BLM_FRDOC_0001)

Public Comments:

0 comments (https://www.regulations.gov/docketBrowser?rpp=50&so=DESC&sb=postedDate&po=0&dct=PS&D=BLM_FRDOC_0001)

PUBLISHED DOCUMENT**AGENCY:**

Bureau of Land Management, Interior.

ACTION:

Proposed rule.

SUMMARY:

On March 26, 2015, the Bureau of Land Management (BLM) published in the **Federal Register** a final rule entitled, “Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands” (2015 final rule). The BLM is now proposing to rescind the 2015 final rule because we believe it is unnecessarily duplicative of state and some tribal regulations and imposes burdensome reporting requirements and other unjustified costs on the oil and gas industry. This proposed rule would return the affected sections of the Code of Federal Regulations (CFR) to the language that existed immediately before the published effective date of the 2015 final rule.

DATES:

The BLM must receive your comments on this proposed rule or on the supporting Regulatory Impact Analysis or Environmental Assessment on or before September 25, 2017.

ADDRESSES:

Mail: U.S. Department of the Interior, Director (630), Bureau of Land Management, Mail Stop 2134LM, 1849 C St. NW., Washington, DC 20240, Attention: 1004-AE52.

Personal or messenger delivery: U.S. Department of the Interior, Bureau of Land Management, 20 M Street SE., Room 2134 LM, Washington, DC 20003, Attention: Regulatory Affairs.

Federal eRulemaking Portal: <http://www.regulations.gov> (<http://www.regulations.gov>). Follow the instructions at this Web site.

FOR FURTHER INFORMATION CONTACT:

Steven Wells, Division Chief, Fluid Minerals Division, 202-912-7143, for information regarding the substance of this proposed rule or information about the BLM's Fluid Minerals program. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1-800-877-8339, 24 hours a day, 7 days a week, to leave a message or question with the above individuals. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

II. Public Comment Procedures

III. Background

IV. Discussion of Proposed Rule

V. Procedural Matters

I. Executive Summary

The process known as “hydraulic fracturing” has been used by the oil and gas industry since the 1950s to stimulate production from oil and gas wells. In recent years, public awareness of the use of hydraulic fracturing practices has grown. New horizontal drilling technology has allowed increased access to oil and gas resources in tight shale formations across the country, sometimes in areas that have not previously experienced significant oil and gas development. As hydraulic fracturing has become more common, public concern has increased about whether hydraulic fracturing contributes to or causes the contamination of underground water sources, whether the chemicals used in hydraulic fracturing should be disclosed to the public, and whether there is adequate management of well integrity and the “flowback” fluids that return to the surface during and after hydraulic fracturing operations.

In light of the public concern for and widespread use of hydraulic fracturing practices, in November 2010, the BLM prepared a rule that was intended to regulate the use of hydraulic fracturing in developing Federal and Indian oil and gas resources. Since that time, the BLM has published two proposed rules (77 FR 27691 (/citation/77-FR-27691) and 78 FR 31636 (/citation/78-FR-31636)), held numerous meetings with the public and state officials, and conducted many tribal consultations and meetings. The final rule entitled, “Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands,” was published in the **Federal Register** on March 26, 2015 (80 FR 16128 (/citation/80-FR-16128)). The 2015 final rule was intended to: Ensure that wells are properly constructed to protect water supplies, make certain that the fluids that flow back to the surface as a result of hydraulic fracturing operations are managed in an environmentally responsible way, and provide public disclosure of the chemicals used in hydraulic fracturing fluids.

On March 28, 2017, President Trump issued Executive Order 13783, (/executive-order/13783) entitled, “Promoting Energy Independence and Economic Growth” (82 FR 16093 (/citation/82-FR-16093), Mar. 31, 2017), which directed the Secretary of the Interior to review four specific rules, including the 2015 final rule, for consistency with the order’s objective “to promote clean and safe development of our Nation’s vast energy resources, while at the same time avoiding regulatory burdens that unnecessarily encumber energy production, constrain economic growth and prevent job creation” and, as appropriate, take action to lawfully suspend, revise, or rescind those rules that are inconsistent with the policy set forth in Executive Order 13783 (/executive-order/13783). To implement Executive Order 13783, (/executive-order/13783) Secretary of the Interior Ryan K. Zinke issued Secretarial Order No. 3349 entitled, “American Energy Independence” on March 29, 2017, which, among other things, directed the BLM to proceed expeditiously in proposing to rescind the 2015 final rule. Upon further review of the 2015 final rule, as directed by Executive Order 13783, and Secretarial Order No. 3349, the BLM believes that the 2015 final rule unnecessarily burdens industry with compliance costs and information requirements that are duplicative of regulatory programs of many states and some tribes. As a result, we are proposing to rescind, in its entirety, the 2015 final rule.

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II. Public Comment Procedures

If you wish to comment on the proposed rule or the supporting analyses (namely, the Environmental Assessment (EA) or the Regulatory Impact Analysis (RIA) prepared for this proposed rule), you may submit your comments by any of the methods described in the **ADDRESSES** section.

Please make your comments on the proposed rule as specific as possible, confine them to issues pertinent to the proposed rule, and explain the reason for any changes you recommend. Where possible, your comments should reference the specific section or paragraph of the proposed rule that you are addressing. The BLM is not obligated to consider or include in the Administrative Record for the final rule comments that we receive after the close of the comment period (see “**DATES**”) or comments delivered to an address other than those listed above (see **ADDRESSES**).

Comments, including names and street addresses of respondents, will be available for public review at the address listed under “**ADDRESSES: Personal or messenger delivery**” during regular hours (7:45 a.m. to 4:15 p.m.), Monday through Friday, except holidays.

Before including your address, telephone number, email address, or other personal identifying information in your comment, be advised that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so.

III. Background

Well stimulation techniques, such as hydraulic fracturing, are commonly used by oil and natural gas producers to increase the volume of oil and natural gas that can be extracted from oil and gas formations. Hydraulic fracturing techniques are particularly effective in enhancing oil and gas production from shale gas or oil formations. Hydraulic fracturing involves the injection of fluid under high pressure to create or enlarge fractures in the reservoir rocks. The fluid that is used in hydraulic fracturing is usually accompanied by proppants, such as particles of sand, which are carried into the newly fractured rock and help keep the fractures open once the fracturing operation is completed. The proppant-filled fractures become conduits for fluid migration from the reservoir rock to the wellbore and the fluid is subsequently brought to the surface. In addition to the water and sand (which together typically make up about 99 percent of the materials pumped into a well during a fracturing operation), chemical additives are also frequently used. These chemicals can serve many functions in hydraulic fracturing, including limiting the growth of bacteria and preventing corrosion of the well casing. The exact formulation of the chemicals used varies depending on the rock formations, the well, and the requirements of the operator.

In 2013, the BLM estimated that about 90 percent of the approximately 2,800 new wells on Federal and Indian lands were stimulated using hydraulic fracturing techniques. Over the past 15 years, there have been significant technological advances in horizontal drilling, which is now frequently combined with hydraulic fracturing. This combination, together with the discovery that these techniques can release significant quantities of oil and gas from large shale deposits, has led to production from geologic formations in parts of the country that previously did not produce significant amounts of oil or gas.

On May 11, 2012, the BLM published in the **Federal Register** the initial proposed rule entitled, “Oil and Gas; Well Stimulation, Including Hydraulic Fracturing, on Federal and Indian Lands” (77 FR 27691 (/citation/77-FR-27691)). The BLM received over 177,000 comments on the initial proposed rule from individuals, Federal and state governments and agencies, interest groups, and industry representatives.

After reviewing the comments on the proposed rule, the BLM published a supplemental notice of proposed rulemaking entitled, “Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands,” on May 24, 2013 (78 FR 31636 (/citation/78-FR-31636)). The BLM received over 1.35 million comments on the supplemental proposed rule.

On March 26, 2015, the BLM published the final rule entitled, “Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands” in the **Federal Register** (80 FR 16128 (/citation/80-FR-16128), codified as amendments to 43 CFR 3160.0 (/select-citation/2017/07/25/43-CFR-3160.0)-3, 3160.0-5, 3162.3-2, 3162.3-3, and 3162.5-2 (2015)). Although the 2015 final rule never went into effect, it nevertheless amended certain provisions in part 3160 of the 2015 edition of Title 43 of the Code of Federal Regulations (CFR), including the list of statutory authorities, the definitions section, and a provision requiring operators to isolate and protect certain waters. In addition, the 2015 final rule amended other provisions in part 3160 of the 2015 edition of Title 43 of the CFR, which, had they gone into effect, would have required an operator to:

- Obtain the BLM’s approval before conducting hydraulic fracturing operations by submitting an application with information and a plan for the fracturing (43 CFR 3162.3 (/select-citation/2017/07/25/43-CFR-3162.3)-3(d)(4)).
- Include a hydraulic fracturing application in applications for permits to drill (APDs), or in a subsequent “sundry notice” (43 CFR 3162.3 (/select-citation/2017/07/25/43-CFR-3162.3)-3(c)).
- Include information about the proposed source of water in each hydraulic fracturing application so that the BLM can complete analyses required by the National Environment Policy Act (NEPA) (43 CFR 3162.3 (/select-citation/2017/07/25/43-CFR-3162.3)-3(d)(3)).
- Include available information about the location of nearby wells to help prevent “frack hits” (*i.e.*, unplanned surges of pressurized fluids into other wells that can damage the wells and equipment and cause surface spills) (43 CFR 3162.3 (/select-citation/2017/07/25/43-CFR-3162.3)-3(d)(4)(iii)(C)).
- Verify that the well casing is surrounded by adequate cement, and test the well to make sure it can withstand the pressures of hydraulic fracturing (43 CFR 3162.3 (/select-citation/2017/07/25/43-CFR-3162.3)-3(e)(1) and (2) and (f)).
- Isolate and protect usable water, while redefining “usable water” to expressly defer to classifications of groundwater by states and tribes, and the Environmental Protection Agency, 43 CFR 3160.0 (/select-citation/2017/07/25/43-CFR-3160.0)-7; and require demonstrations of only 200 feet of adequate cementing between the fractured formation and the bottom of the closest usable water aquifer, or cementing to the surface (43 CFR 3162.3 (/select-citation/2017/07/25/43-CFR-3162.3)-3(e)(2)(i) and (ii)).
- Monitor and record the annulus pressure during hydraulic fracturing operations, and report significant increases of pressure (43 CFR 3162.3 (/select-citation/2017/07/25/43-CFR-3162.3)-3(g)).
- File post-fracturing reports containing information about how the hydraulic fracturing operation actually occurred (43 CFR 3162.3 (/select-citation/2017/07/25/43-CFR-3162.3)-3(i)).
- Submit lists of the chemicals used (non-trade-secrets) to the BLM by sundry notice (Form 3160-5), to FracFocus (a public Web site operated by the Ground Water Protection Council and the Interstate Oil and Gas Compact Commission), or to another BLM-designated database (43 CFR 3162.3 (/select-citation/2017/07/25/43-CFR-3162.3)-3(i)(1)).

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- Withhold trade secret chemical identities only if the operator or the owner of the trade secret submits an affidavit verifying that the information qualifies for trade secret protection (43 CFR 3162.3 (/select-citation/2017/07/25/43-CFR-3162.3)-3(j)).
- Obtain and provide withheld information to the BLM, if the BLM requests the withheld information (43 CFR 3162.3 (/select-citation/2017/07/25/43-CFR-3162.3)-3(j)(3)).
- Store recovered fluids in above-ground rigid tanks of no more than 500-barrel capacity, with few exceptions, until the operator has an approved plan for permanent disposal of produced water (as required by Onshore Oil and Gas Order No. 7) (43 CFR 3162.3 (/select-citation/2017/07/25/43-CFR-3162.3)-3(h)).

The 2015 final rule would have also authorized two types of variances:

- Individual operation variances to account for local conditions or new or different technology (43 CFR 3162.3 (/select-citation/2017/07/25/43-CFR-3162.3)-3(k)(1)).

- State or tribal variances to account for regional conditions or to align the BLM requirements with state or tribal regulations (43 CFR 3162.3 (/select-citation/2017/07/25/43-CFR-3162.3)-3(k)(2)).

Per the 2015 final rule, the standard for approval of either type of variance is that the variance would meet or exceed the purposes of a specific provision in the rule (43 CFR 3162.3 (/select-citation/2017/07/25/43-CFR-3162.3)-3(k)(3)).

Two industry associations filed suit opposing the 2015 final rule in the U.S. District Court for the District of Wyoming in March 2015. Four states and a tribe also challenged the rule in the same court.^[1] The Court consolidated the cases. Six environmental groups intervened in the case in support of the rule.

The District Court stayed the 2015 final rule prior to its effective date. Subsequently, the District Court preliminarily enjoined the 2015 final rule. On June 21, 2016, the District Court issued an order setting aside the rule. The Court concluded that Congress revoked the BLM's authority over hydraulic fracturing operations by enacting the Safe Drinking Water Act of 1974 and the Energy Policy Act of 2005. *Wyoming v. Jewell*, No. 15-cv-41 (D. Wyo. June 21, 2016).

The District Court did not address a number of additional arguments that Petitioners raised against the 2015 final rule. Those unaddressed arguments focused primarily on allegations that the rule was not supported by sufficient facts or was otherwise arbitrary and capricious. The District Court also did not expressly address the argument of a Tribal petitioner that the BLM is precluded from regulating oil and gas operations on Indian lands.

The Department of the Interior (“the Department”) and environmental group intervenors appealed the District Court’s decision. *Wyoming v. Zinke*, No. 16-8068 (10th Cir.). The appeal concerns only the statutory authority issues that the District Court decided. Briefing was completed in October 2016. Before oral argument, however, the Court of Appeals in a March 2017 order required the BLM to report whether it had changed its position in the appeal following the Presidential Inauguration.

Following the March 2017 order from the Court of Appeals, the Department accelerated its review of the 2015 final rule. As previously noted, pursuant to Executive Order 13783, (/executive-order/13783) the Department commenced a review of existing energy-related regulations, which included the 2015 final rule, to determine whether changes would be appropriate to support domestic energy production. Based upon this review, the Department identified the 2015 final rule as being duplicative and burdensome and, therefore, appropriate for rescission. On March 15, 2017, the Department informed the Court of Appeals that it was preparing a notice of proposed rulemaking to rescind the rule, which it intended to publish in the **Federal Register**. Shortly thereafter, the Court of Appeals postponed oral argument, and required further briefing on several issues regarding the effect of the present rulemaking effort on the appeal.

If the Court of Appeals were to reverse the District Court’s order on statutory authority, the case would be remanded to the District Court to decide the remaining issues, primarily whether the BLM complied with the Administrative Procedure Act in the rulemaking that resulted in the 2015 final rule.

In sum, the 2015 final rule has never gone into effect, and was set aside by the District Court on June 21, 2016. The 2015 final rule would not go into effect unless and until the courts decide that the rule was properly promulgated.

In the Regulatory Impact Analysis (RIA) for the 2015 final rule, the BLM estimated that the requirements of the 2015 final rule would result in compliance costs to the industry of approximately \$32 million per year (and potentially up to \$45 million per year). The BLM had concluded that many of the requirements were consistent with industry practice and similar to the requirements found in existing state regulations, and therefore would not pose a significant new compliance burden to the industry. However, comments received by many oil and gas companies and trade associations representing members of the oil and gas industry suggested that the BLM's proposed and final rules were unnecessary and would cause substantial harm to the industry. The BLM recognizes that the 2015 final rule would pose a financial burden to industry if implemented.

As noted earlier, since January 2017, the President has issued Executive Orders that necessitate the review of the BLM's 2015 final rule. Section 7(b) of Executive Order 13783 (/executive-order/13783) directs the Secretary of the Interior to review four specific rules, including the 2015 final rule, for consistency with the policy set forth in section 1 of [the] Order and, if appropriate, to publish for notice and comment proposed rules to suspend, revise, or rescind those rules.

Section 1 of Executive Order 13783 (/executive-order/13783) states that it is in the national interest to promote clean and safe development of United States energy resources, while avoiding "regulatory burdens that unnecessarily encumber energy production, constrain economic growth, and prevent job creation." Section 1 describes the prudent development of these natural resources as "essential to ensuring the Nation's geopolitical security." Section 1 finds it in the national interest to ensure that electricity is affordable, reliable, safe, secure, and clean, and that coal, natural gas, nuclear material, flowing water, and other domestic sources, including renewable sources, can be used to produce it.

Accordingly, Section 1 of Executive Order 13783 (/executive-order/13783) declares it the policy of the United States that: (1) Executive departments and agencies immediately review regulations that potentially burden the development or use of domestically produced energy resources and, as appropriate, suspend, revise, or rescind those that unduly burden domestic energy resources development "beyond the degree necessary to protect the public interest or otherwise comply with the law"; and (2) to the extent permitted by law, agencies should promote clean air and clean water, while respecting the proper roles of the Congress and the States concerning these matters; and (3) necessary and appropriate environmental regulations comply with the law, reflect greater benefit than cost, when permissible, achieve environmental improvements, and are developed through transparent processes using the best available peer-reviewed science and economics.

As directed by the aforementioned Executive Order, and by Secretarial Order No. 3349, the BLM conducted a review of the 2015 final rule. As a result of this review, the BLM believes that the compliance costs associated with the 2015 final rule are not justified and it now proposes to rescind the rule.

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In the RIA for the 2015 final rule, while noting that many of the requirements of the 2015 final rule were consistent with industry practice and that some were duplicative of state requirements or were generally addressed by existing BLM requirements, the BLM asserted that the rule would provide additional assurance that operators are conducting hydraulic fracturing operations in an environmentally sound and safe manner, and increase the public's awareness and understanding of these operations.

It follows that the rescission of the 2015 final rule could potentially reduce those assurances or potentially reduce public awareness and understanding about hydraulic fracturing operations on Federal and Indian lands. However, considering state regulatory programs, the sovereignty of tribes to regulate operations on

their lands, and the pre-existing authorities in other Federal regulations, the proposed rescission of the 2015 final rule would not leave hydraulic fracturing operations entirely unregulated.

The BLM's review of the 2015 final rule included a review of state laws and regulations which indicated that most states are either currently regulating or are in the process of regulating hydraulic fracturing. When the 2015 final rule was issued, 20 of the 32 states with currently existing Federal oil and gas leases had regulations addressing hydraulic fracturing. In the time since the promulgation of the 2015 final rule, an additional 12 states have introduced laws or regulations addressing hydraulic fracturing. As a result, all 32 states with Federal oil and gas leases currently have laws or regulations that address hydraulic fracturing operations.^[2] In addition, some tribes with oil and gas resources have also taken steps to regulate oil and gas operations, including hydraulic fracturing, on their lands.

The BLM also now believes that disclosures of the chemical content of hydraulic fracturing fluids to state regulatory agencies and/or databases such as FracFocus is more prevalent than it was in 2015 and that there is no need for a Federal chemical disclosure requirement, since companies are already making those disclosures on most of the operations, either to comply with state law or voluntarily. There are 23 states that currently use FracFocus for chemical disclosures. These include six states where the BLM has major oil and gas operations, including Colorado, Montana, North Dakota, Oklahoma, Texas, and Utah.

In addition to state and tribal regulation of hydraulic fracturing, the BLM has several pre-existing authorities that it will continue to rely on if the 2015 final rule is rescinded, some of which are set out at 43 CFR subpart 3162 and in Onshore Oil and Gas Orders 1, 2, and 7. These authorities reduce the risks associated with hydraulic fracturing by providing specific requirements for well permitting; construction, casing, and cementing; and disposal of produced water.^[3] By reverting to 43 CFR subpart 3162 as it existed prior to the 2015 final rule, the BLM would continue to require prior approval for "nonroutine fracturing jobs"; however, "nonroutine fracturing jobs" would not be defined in 43 CFR subpart 3162 since the term was not defined before the 2015 final rule. The BLM also possesses discretionary authority allowing it to impose site-specific protective measures reducing the risks associated with hydraulic fracturing.

The BLM's review of the 2015 final rule also included a review of incident reports from Federal and Indian wells since December 2014. This review indicated that resource damage is unlikely to increase by rescinding the 2015 final rule because of the rarity of adverse environmental impacts that occurred from hydraulic fracturing operations before the 2015 final rule, and after its promulgation while the 2015 final rule was not in effect. The BLM now believes that the appropriate framework for mitigating these impacts exists through state regulations, through tribal exercise of sovereignty, and through BLM's own pre-existing regulations and authorities (pre-2015 final rule 43 CFR subpart 3162 and Onshore Orders 1, 2, and 7).

The BLM is seeking comments on the specific regulatory changes that would be made by this proposed rule and is interested particularly in information that would improve BLM's understanding of state and tribal regulatory capacity in this area. Further, the BLM is seeking specific comments on approaches that could be used under existing Federal authorities, including what additional information could be collected during the APD process or through sundry notices, to further minimize the risks from hydraulic fracturing operations, particularly in states or on tribal lands where the corresponding regulations or enforcement mechanisms may be less comprehensive.

IV. Discussion of Proposed Rule

As previously discussed in this preamble, the BLM proposes to revise 43 CFR part 3160 (/select-citation/2017/07/25/43-CFR-3160) to rescind the 2015 final rule. Although the 2015 final rule never went into effect, this proposed rule would restore the regulations in part 3160 of the CFR to exactly as they were before the 2015 final rule, except for any changes to those regulations that were made by other rules published between March 26, 2015 (the date of publication of the 2015 final rule) and now. This proposed rule would not result in any change from current requirements because the 2015 final rule never went into effect. The following section-by-section analysis reviews the specific changes that would be required to return to the pre-2015 final rule regulations.

Section 3160.0-3 Authority

The BLM proposes to amend § 3160.0-3 by removing the reference to the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1701 (<https://api.fdsys.gov/link?collection=uscode&title=43&year=mostrecent§ion=1701&type=usc&link-type=html>)). The 2015 final rule added this reference as an administrative matter. This proposed rule would return this section to the language it contained before the 2015 final rule and would not have any substantive impact.

Section 3160.0-5 Definitions

The BLM proposes to amend this section by removing several terms that were added by the 2015 final rule and by restoring the definition of “fresh water” that the 2015 final rule had removed. The proposed rule would remove the definitions of “annulus,” “bradenhead,” “Cement Evaluation Log (CEL),” “confining zone,” “hydraulic fracturing,” “hydraulic fracturing fluid,” “isolating or to isolate,” “master hydraulic fracturing plan,” “proppant,” and “usable water.” The 2015 final rule used those terms in the operating regulations. If those operating regulations are rescinded, as proposed, these terms would no longer be necessary in this definitions section. The BLM is proposing to restore the previous definition of “fresh water” to the regulations.

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Section 3162.3-2 Subsequent Well Operations

This proposed rule would amend § 3162.3-2 by making non-substantive changes to paragraph (a), which include replacing the word “must” with the word “shall”, replacing the word “combine” with the word “commingling”, replacing the word “convert” with the word “conversion”, and removing the language from the first sentence of paragraph (a) that the 2015 final rule only added to more fully describe Form 3160-5.

The proposed rule would also make non-substantive changes to paragraph (b) of § 3162.3-2, which include replacing “using a Sundry Notice and Report on Well (Form 3160-5)” with “on Form 3160-5”.

The proposed rule would also restore “perform nonroutine fracturing jobs” to the list of activities that require the authorized officer’s prior approval in § 3162.3-2. The 2015 final rule removed those words from the list because it amended § 3162.3-3 to require all hydraulic fracturing operations to be approved by the authorized officer. This proposed rule would remove that requirement from § 3163.3-3, which is discussed below.

Section 3162.3-3 Other Lease Operations

The BLM proposes to revise this section by removing language that was added by the 2015 final rule and returning this rule to the exact language it contained previously. The 2015 final rule made substantial changes to this section and revised the title to read as “Subsequent well operations; Hydraulic fracturing.”

Paragraph (a) of this section in the 2015 final rule, as reflected in the 2015 edition of the CFR, includes an implementation schedule that the BLM would have followed to phase in the requirements of the rule, had the rule gone into effect. Paragraph (b) of this section contains the performance standard referencing § 3162.5-2(d). Paragraph (c) of this section would have required prior approval of hydraulic fracturing operations. Paragraph (d) of this section lists the information that an operator would have been required to include in a request for approval of hydraulic fracturing. Paragraph (e) of this section specifies how an operator would have had to monitor and verify cementing operations prior to hydraulic fracturing. Paragraph (f) of this section would have required mechanical integrity testing of the wellbore prior to hydraulic fracturing. Paragraph (g) of this section would have required monitoring and recording of annulus pressure during hydraulic fracturing. Paragraph (h) of this section specifies the requirements that would have applied for managing recovered fluids until approval of a permanent water disposal plan. Paragraph (i) of this section specifies information that an operator would have been required to provide to the authorized officer after completion of hydraulic fracturing operations. Paragraph (j) of this section specifies how an operator could have withheld information from the BLM and the public about the chemicals used in a hydraulic fracturing operation. Paragraph (k) of this section describes how the BLM would have approved variances from the requirements of the 2015 final rule.

For the reasons discussed earlier in this preamble, the BLM believes this section of the 2015 final rule is unnecessarily duplicative and would impose costs that would not be clearly exceeded by its benefits and, therefore, proposes to remove these 2015 final rule provisions and to restore the previous language of the section.

Section 3162.5-2 Control of Wells

The BLM proposes to amend paragraph (d) of this section by restoring the term “fresh water-bearing” and the phrase “containing 5,000 ppm or less of dissolved solids.” The proposed rule would also restore other non-substantive provisions that appeared in the previous version of the regulations.

IV. Procedural Matters

Regulatory Planning and Review (E.O. 12866, E.O. 13563, (/executive-order/13563) E.O. 13771 (/executive-order/13771))

Executive Order 12866 provides that the Office of Information and Regulatory Affairs within the Office of Management and Budget will review all significant rules. The Office of Information and Regulatory Affairs has determined that this proposed rule is significant because it would raise similarly novel legal or policy issues.

Executive Order 13563 (/executive-order/13563) reaffirms the principles of Executive Order 12866 while calling for improvements in the Nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The Executive Order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. Executive Order 13563 (/executive-order/13563) emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

Executive Order 13771 (/executive-order/13771) (82 FR 9339 (/citation/82-FR-9339), Feb. 3, 2017) requires Federal agencies to take proactive measures to reduce the costs associated with complying with Federal regulations. Consistent with Executive Order 13771, (/executive-order/13771) we have estimated the cost savings for this proposed rule to be \$14-\$34 million per year from the 2015 final rule. Therefore, this proposed rule is expected to be a deregulatory action under Executive Order 13771 (/executive-order/13771).

After reviewing the requirements of this proposed rule, we have determined that it will not have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities.

Regulatory Flexibility Act

This proposed rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 (<https://api.fdsys.gov/link?collection=uscode&title=5&year=mostrecent§ion=601&type=usc&link-type=html>) *et seq.*) The RFA generally requires that Federal agencies prepare a regulatory flexibility analysis for rules subject to the notice and comment rulemaking requirements under the Administrative Procedure Act (5 U.S.C. 500 (<https://api.fdsys.gov/link?collection=uscode&title=5&year=mostrecent§ion=500&type=usc&link-type=html>) *et seq.*), if the rule would have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities (See 5 U.S.C. 601 (<https://api.fdsys.gov/link?collection=uscode&title=5&year=mostrecent§ion=601&type=usc&link-type=html>)-612). Congress enacted the RFA to ensure that government regulations do not unnecessarily or disproportionately burden small entities. Small entities include small businesses, small governmental jurisdictions, and small not-for-profit enterprises. □

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The BLM reviewed the Small Business Administration (SBA) size standards for small businesses and the number of entities fitting those size standards as reported by the U.S. Census Bureau in the Economic Census. The BLM concluded that the vast majority of entities operating in the relevant sectors are small businesses as defined by the SBA. As such, the proposed rule would likely affect a substantial number of small entities.

Although the proposed rule would likely affect a substantial number of small entities, the BLM does not believe that these effects would be economically significant. The proposed rule is a deregulatory action that would remove all of the requirements placed on operators by the 2015 final rule. Operators would not have to undertake the compliance activities, either operational or administrative, that are outlined in the 2015 final rule, except to the extent the activities are required by state or tribal law, or by other pre-existing BLM regulations.

The BLM conducted an economic analysis which estimates that the average reduction in compliance costs would be a small fraction of a percent of the profit margin for small companies, which is not a large enough impact to be considered significant. For more detailed information, see section 5.3 of the Regulatory Impact Analysis (RIA) prepared for this proposed rule. The current draft RIA has been posted in the docket for the proposed rule on the *Federal eRulemaking Portal*: <http://www.regulations.gov> (<http://www.regulations.gov>).

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804 ([\(https://api.fdsys.gov/link?collection=uscode&title=5&year=mostrecent§ion=804&type=usc&link-type=html\)](https://api.fdsys.gov/link?collection=uscode&title=5&year=mostrecent§ion=804&type=usc&link-type=html)(2), the Small Business Regulatory Enforcement Fairness Act. This rule will not have an annual effect on the economy of \$100 million or more.

This rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. This rule will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

This rule is a deregulatory action that would remove all of the requirements placed on operators by the 2015 final rule. Operators would not have to undertake the compliance activities, either operational or administrative, that would have been required solely by the 2015 final rule. The screening analysis conducted by the BLM estimates the average reduction in compliance costs would be a small fraction of a percent of the profit margin for companies, which is not large enough to: have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises; cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or have an annual effect on the economy of \$100 million or more.

Unfunded Mandates Reform Act

This rule will not impose an unfunded mandate on State, local, or tribal governments, or the private sector of more than \$100 million per year. The rule will not have a significant or unique effect on State, local, or tribal governments or the private sector. The proposed rule is a deregulatory action, which contains no requirements that would apply to State, local, or tribal governments or to the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1531 (<https://api.fdsys.gov/link?collection=uscode&title=2&year=mostrecent§ion=1531&type=usc&link-type=html>) *et seq.*) is not required for the rule. This rule is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments, because it contains no requirements that apply to such governments, nor does it impose obligations upon them.

Takings (E.O. 12630)

This rule will not affect a taking of private property or otherwise have taking implications under Executive Order 12630. A takings implication assessment is not required. This rule is a deregulatory action that would remove all of the requirements placed on operators solely by the 2015 final rule and therefore would impact some operational and administrative requirements on Federal and Indian lands. All such operations are subject to lease terms which expressly require that subsequent lease activities be conducted in compliance with subsequently adopted Federal laws and regulations. This rule conforms to the terms of those leases and applicable statutes and, as such, the rule is not a government action capable of interfering with constitutionally protected property rights. Therefore, the BLM has determined that the proposed rule would not cause a taking of private property or require further discussion of takings implications under Executive Order 12630.

Federalism (E.O. 13132 ([/executive-order/13132](#)))

Under the criteria in section 1 of Executive Order 13132, (/executive-order/13132) this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. A federalism impact statement is not required.

The proposed rule will not have a substantial direct effect on the states, on the relationship between the Federal Government and the states, or on the distribution of power and responsibilities among the levels of government. It would not apply to states or local governments or state or local governmental entities. The rule would affect the relationship between operators, lessees, and the BLM, but it does not directly impact the states. Therefore, in accordance with Executive Order 13132, (/executive-order/13132) the BLM has determined that this proposed rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Civil Justice Reform (E.O. 12988 (/executive-order/12988))

This rule complies with the requirements of Executive Order 12988 (/executive-order/12988). More specifically, this rule meets the criteria of section 3(a), which requires agencies to review all regulations to eliminate errors and ambiguity and to write all regulations to minimize litigation. This rule also meets the criteria of section 3(b)(2), which requires agencies to write all regulations in clear language with clear legal standards.

Consultation With Indian Tribes (E.O. 13175 (/executive-order/13175) and Departmental Policy)

The Department strives to strengthen its government-to-government relationship with Indian tribes through a commitment to consultation with Indian tribes and recognition of their right to self-governance and tribal sovereignty. We have evaluated this rule under the Department's consultation policy and under the criteria in Executive Order 13175 (/executive-order/13175) and we have found that this proposed rule includes policies that could have tribal implications.

If the proposed rule is implemented, oil and gas operations on tribal and allotted lands would not be subject to the procedures or standards in the 2015 final rule. The BLM believes that rescinding the 2015 final rule will assist in preventing Indian lands from being viewed by oil and gas operators as less attractive than non-Indian lands due to unnecessary and burdensome compliance costs, thereby preventing economic harm to Indian tribes and allottees that could have resulted from implementation of the 2015 final rule. However, other resources on those lands might have benefited from the risk reduction intended by the 2015 final rule.

Start Printed Page 34470

Although the states with significant Federal oil and gas resources have regulatory programs addressing hydraulic fracturing operations, the oil and gas producing Indian tribes have not as uniformly promulgated regulatory programs to address hydraulic fracturing.

In light of this, the BLM is seeking comments regarding the effects of the proposed rescission of the 2015 final rule on tribes, individual allottees, and Indian resources. As discussed below, the BLM will be consulting with interested tribes on those topics, but also requests comments providing information about existing or proposed tribal regulation of hydraulic fracturing operations, the economic and environmental impacts of the proposed rescission of the 2015 final rule as it would apply to Indian lands, and whether all or any parts of the 2015 final rule should continue to apply on Indian lands.

The BLM is engaging potentially interested tribes to consult on a government-to-government basis and discuss the proposed rule. Initial tribal outreach letters for the proposed rule invite tribes to provide written comments and/or discuss, either during in-person meeting(s) or by other means, the proposed rule. The

responses to the aforementioned initial tribal outreach letters will help to identify what future actions the BLM will take as part of its tribal consultation efforts for the proposed rule.

Paperwork Reduction Act

The Paperwork Reduction Act (PRA) (44 U.S.C. 3501 (<https://api.fdsys.gov/link?collection=uscode&title=44&year=mostrecent§ion=3501&type=usc&link-type=html>)-3521) provides that an agency may not conduct or sponsor, and a person is not required to respond to, a “collection of information,” unless it displays a currently valid control number (44 U.S.C. 3512 (<https://api.fdsys.gov/link?collection=uscode&title=44&year=mostrecent§ion=3512&type=usc&link-type=html>)). Collections of information include requests and requirements that an individual, partnership, or corporation obtain information, and report it to a Federal agency (44 U.S.C. 3502 (<https://api.fdsys.gov/link?collection=uscode&title=44&year=mostrecent§ion=3502&type=usc&link-type=html>)(3); 5 CFR 1320.3 (/select-citation/2017/07/25/5-CFR-1320.3)(c) and (k)). If this proposed rule is promulgated and the 2015 final rule is rescinded, there will be no need to continue the information collection activities that the OMB has pre-approved under control number 1004-0203. Accordingly, if the 2015 final rule is rescinded, the BLM will request that the OMB discontinue that control number.

National Environmental Policy Act

The BLM has prepared an environmental assessment (EA) to determine whether this rule would have a significant impact on the quality of the human environment under the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 (<https://api.fdsys.gov/link?collection=uscode&title=42&year=mostrecent§ion=4321&type=usc&link-type=html>) *et seq.*). If the final EA supports the issuance of a Finding of No Significant Impact (FONSI) for the rule, the preparation of an environmental impact statement pursuant to the NEPA would not be required.

The current draft of the EA and a draft FONSI have been placed in the file for the BLM's Administrative Record for the proposed rule at the BLM 20 M Street address specified in the “ADDRESSES” section. The current draft EA and draft FONSI have also been posted in the docket for the proposed rule on the *Federal eRulemaking Portal*: <http://www.regulations.gov> (<http://www.regulations.gov>). The BLM invites the public to review these documents and suggests that anyone wishing to submit comments on the draft EA and FONSI should do so in accordance with the instructions contained in the “Public Comment Procedures” section above.

Effects on the Energy Supply (E.O. 13211 (/executive-order/13211))

This rule is not a significant energy action under the definition in Executive Order 13211 (/executive-order/13211). A statement of Energy Effects is not required. Section 4(b) of Executive Order 13211 (/executive-order/13211) defines a “significant energy action” as “any action by an agency (normally published in the **Federal Register**) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of rulemaking, and notices of rulemaking: (1) (i) That is a significant regulatory action under Executive Order 12866 or any successor order, and (ii) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (2) that is designated by the Administrator of [OIRA] as a significant energy action.”

Since the proposal is a deregulatory action and would reduce compliance costs, it is likely to have a positive effect, if any, on the supply, distribution, or use of energy, and not a significant adverse effect. As such, we do not consider the proposed rule to be a “significant energy action” as defined in Executive Order 13211 (/executive-order/13211).

Clarity of This Regulation

We are required by Executive Orders 12866 (section 1(b)(12)), 12988 (section 3(b)(1)(B)), and 13563 (section 1(a)), and by the Presidential Memorandum of June 1, 1988, to write all rules in plain language. This means that each rule must:

- (a) Be logically organized;
- (b) Use the active voice to address readers directly;
- (c) Use common, everyday words and clear language rather than jargon;
- (d) Be divided into short sections and sentences; and
- (e) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in the **ADDRESSES** section. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that you find unclear, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

Author

The principal authors of this rule are Justin Abernathy, Senior Policy Analyst, BLM, Washington Office; James Tichenor, Economist, BLM, Washington Office; Ross Klein, (Acting) Natural Resource Specialist, BLM, Washington Office; Subijoy Dutta, Lead Petroleum Engineer, BLM, Washington Office; Jeffrey Prude, Petroleum Engineer/Oil and Gas Program Lead, BLM, Bakersfield Field Office; and James Annable, Petroleum Engineer, BLM, Royal Gorge Field Office; assisted by Charles Yudson of the BLM's division of Regulatory Affairs and by the Department of the Interior's Office of the Solicitor.

Dated: July 21, 2017.

Katharine S. MacGregor,

Acting Assistant Secretary, Land and Minerals Management.

List of Subjects in 43 CFR Part 3160 (/select-citation/2017/07/25/43-CFR-3160)

- Administrative practice and procedure
- Government contracts
- Indians-lands
- Mineral royalties
- Oil and gas exploration
- Penalties
- Public lands-mineral resources
- Reporting and recordkeeping requirements

For the reasons stated in the preamble, and under the authorities stated below, the Bureau of Land Management proposes to amend 43 CFR part 3160 (/select-citation/2017/07/25/43-CFR-3160) as follows:

PART 3160—ONSHORE OIL AND GAS OPERATIONS

1. The authority citation for part 3160 continues to read as follows:

Authority: 25 U.S.C. 396 (<https://api.fdsys.gov/link?collection=uscode&title=25&year=mostrecent§ion=396&type=usc&link-type=html>) and 2107; 30 U.S.C. 189 (<https://api.fdsys.gov/link?collection=uscode&title=30&year=mostrecent§ion=189&type=usc&link-type=html>), 306, 359, and 1751; 43 U.S.C. □ 1732(b), 1733, and 1740; and Sec. 107, Pub. L. 114-74 (<https://api.fdsys.gov/link?collection=plaw&congress=114&lawtype=public&lawnnum=74&link-type=html>), 129 Stat. 599, unless otherwise noted.

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Subpart 3160—Onshore Oil and Gas Operations: General

2. Revise § 3160.0-3 to read as follows:

§ 3160.0-3 Authority.

The Mineral Leasing Act, as amended and supplemented (30 U.S.C. 181 (<https://api.fdsys.gov/link?collection=uscode&title=30&year=mostrecent§ion=181&type=usc&link-type=html>) *et seq.*), the Act of May 21, 1930 (30 U.S.C. 301 (<https://api.fdsys.gov/link?collection=uscode&title=30&year=mostrecent§ion=301&type=usc&link-type=html>)-306), the Mineral Leasing Act for Acquired Lands, as amended (30 U.S.C. 351 (<https://api.fdsys.gov/link?collection=uscode&title=30&year=mostrecent§ion=351&type=usc&link-type=html>)-359), the Act of March 3, 1909, as amended (25 U.S.C 396 (<https://api.fdsys.gov/link?collection=uscode&title=25&year=mostrecent§ion=396&type=usc&link-type=html>)), the Act of May 11, 1938, as amended (25 U.S.C. 396 (<https://api.fdsys.gov/link?collection=uscode&title=25&year=mostrecent§ion=396&type=usc&link-type=html>))-396q), the Act of February 28, 1891, as amended (25 U.S.C. 397 (<https://api.fdsys.gov/link?collection=uscode&title=25&year=mostrecent§ion=397&type=usc&link-type=html>)), the Act of May 29, 1924 (25 U.S.C. 398 (<https://api.fdsys.gov/link?collection=uscode&title=25&year=mostrecent§ion=398&type=usc&link-type=html>)), the Act of March 3, 1927 (25 U.S.C. 398 (<https://api.fdsys.gov/link?collection=uscode&title=25&year=mostrecent§ion=398&type=usc&link-type=html>))-398e), the Act of June 30, 1919, as amended (25 U.S.C. 399 (<https://api.fdsys.gov/link?collection=uscode&title=25&year=mostrecent§ion=399&type=usc&link-type=html>)), R.S. § 441 (43 U.S.C. 1457 (<https://api.fdsys.gov/link?collection=uscode&title=43&year=mostrecent§ion=1457&type=usc&link-type=html>)), the Attorney General's Opinion of April 2, 1941 (40 Op. Atty. Gen. 41), the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C 471 (<https://api.fdsys.gov/link?collection=uscode&title=40&year=mostrecent§ion=471&type=usc&link-type=html>) *et seq.*), the National Environmental Policy Act of 1969, as amended (40 U.S.C. 4321 (<https://api.fdsys.gov/link?collection=uscode&title=40&year=mostrecent§ion=4321&type=usc&link-type=html>)) *et seq.*), the Act of December 12, 1980 (94 Stat. 2964), the Combined Hydrocarbon Leasing Act of 1981 (95 Stat. 1070), the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 (<https://api.fdsys.gov/link?collection=uscode&title=30&year=mostrecent§ion=1701&type=usc&link-type=html>)), the Indian Mineral Development Act of 1982 (25 U.S.C. 2102 (<https://api.fdsys.gov/link?collection=uscode&title=25&year=mostrecent§ion=2102&type=usc&link-type=html>)), and Order

Number 3087, dated December 3, 1982, as amended on February 7, 1983 (48 FR 8983) under which the Secretary consolidated and transferred the onshore minerals management functions of the Department, except mineral revenue functions and the responsibility for leasing of restricted Indian lands, to the Bureau of Land Management.

3. Amend § 3160.0-5 by removing the definitions of “annulus,” “bradenhead,” “Cement Evaluation Log (CEL),” “confining zone,” “hydraulic fracturing,” “hydraulic fracturing fluid,” “isolating or to isolate,” “master hydraulic fracturing plan,” “proppant,” and “usable water,” and by adding the definition of “fresh water” in alphabetical order to read as follows:

§ 3160.0-5 Definitions.

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★*

★*

★*

★*

Fresh water means water containing not more than 1,000 ppm of total dissolved solids, provided that such water does not contain objectionable levels of any constituent that is toxic to animal, plant or aquatic life, unless otherwise specified in applicable notices or orders.

★*

★*

★*

★*

★*

Subpart 3162—Requirements for Operating Rights Owners and Operators

4. Amend § 3162.3-2 by revising the first sentence of paragraph (a) and revising paragraph (b) to read as follows:

§ 3162.3-2 Subsequent well operations.

(a) A proposal for further well operations shall be submitted by the operator on Form 3160-5 for approval by the authorized officer prior to commencing operations to redrill, deepen, perform casing repairs, plug-back, alter casing, perform nonroutine fracturing jobs, recomplete in a different interval, perform water shut off, commingling production between intervals and/or conversion to injection. * * *

(b) Unless additional surface disturbance is involved and if the operations conform to the standard of prudent operating practice, prior approval is not required for routine fracturing or acidizing jobs, or recompletion in the same interval; however, a subsequent report on these operations must be filed on Form 3160-5.

★*

★*

★*

★*

★*

5. Revise § 3162.3-3 to read as follows:

§ 3162.3-3 Other lease operations.

Prior to commencing any operation on the leasehold which will result in additional surface disturbance, other than those authorized under § 3162.3-1 or § 3162.3-2, the operator shall submit a proposal on Form 3160-5 to the authorized officer for approval. The proposal shall include a surface use plan of operations.

6. Amend § 3162.5-2 by revising the heading and first sentence of paragraph (d) to read as follows:

§ 3162.5-2 Control of wells.

★*

★*

★*

★*

★*

(d) *Protection of fresh water and other minerals.* The operator shall isolate freshwater-bearing and other usable water containing 5,000 ppm or less of dissolved solids and other mineral-bearing formations and protect them from contamination. * * *

Footnotes

1. *A separate tribe filed a separate challenge to the rule in the U.S. District Court for the District of Colorado. That case has been settled.*

[Back to Citation](#)

2. *The reference to 32 states with existing Federal oil and gas leases includes the following states: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Montana, Nebraska, Nevada, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, and Wyoming. The State of Oregon regulates hydraulic fracturing operations by way of its regulations addressing "Water Injection and Water Flooding of Oil and Gas Properties" (Oregon Administrative Rules [Or. Admin. R.] sec. 632-010-0194). The State of Arizona may regulate hydraulic fracturing operations by way of its regulations addressing "Artificial Stimulation of Oil and Gas Wells" (Arizona Administrative Code [A.A.C.] sec. R12-7-117). The State of Indiana issued "emergency rules" in 2011 and 2012 that incorporated new legislation addressing hydraulic fracturing (Pub. L. 140-2011 (<https://api.fdsys.gov/link?collection=plaw&congress=140&lawtype=public&lawnum=2011&link-type=html>) and Pub. L. 16-2012) into Indiana's oil and gas regulations at 312 Indiana Administrative Code (IAC) Article 16. For further information about the state regulatory programs, see § 2.12 of the RIA and Appendix 1 of the EA prepared for this proposed rulemaking action.*

[Back to Citation](#)

3. *Additional discussion regarding Onshore Oil and Gas Orders 1, 2, and 7, and 43 CFR subpart 3162, is provided in § 2.11 of the RIA and the EA prepared for this proposed rulemaking action.*

[Back to Citation](#)

[FR Doc. 2017-15696 (/a/2017-15696) Filed 7-24-17; 8:45 am]

BILLING CODE 4310-84-P

PUBLISHED DOCUMENT

To: Chrissy Harbin[charbin@afphq.org]
From: Funes, Jason
Sent: 2017-08-04T11:49:08-04:00
Importance: Normal
Subject: Event Proposal Form
Received: 2017-08-04T11:49:44-04:00
Event Proposal Information Form.docx

Hey Chrissy,

Attached is the form I mentioned to you for getting a speaker for your upcoming event. I would make sure to mention VP will be there, and I'll see what I can do to have a DOI rep there as a speaker or part of your energy panel.

<https://www.doi.gov/pressreleases/interior-secretary-announces-vincent-devito-counselor-energy-policy>

Call me if you have any questions.

MAGA,

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
Office: (202) 208-5541

Event Proposal Information Form

*Please complete this form and send to scheduling@ios.doi.gov

Specific Request to the Secretary:

Title of the Event:

Date & Time of Event:

Location:

Point of Contact(s) (Name, Email, Phone for each):

Briefly describe the event in detail, and the desired outcome of the Secretary's participation (2-3 sentences maximum):

Audience (expected attendance and makeup of the attendees):

VIPs invited or known to be attending:

What are the main messages that you are attempting to convey through this event (limit to 2-3)?

Remarks (if applicable)

Desired length of time for remarks:

Are there any particular individuals, groups or activities you would like the Secretary to recognize in his remarks?

Are there any specific comments you would like the Secretary to make?

What is the desired format of his remarks (will he be sharing the stage, a panel, etc)?

Communications

Is press expected to attend? If yes, are there any reporters confirmed to attend and cover the event? Who?

For remarks and press (if applicable), please check all that apply:

- Podium available
- Microphone available

Is there social media information for the event (hashtags, handles)?

Logistics/Other

Please supply all pertinent background information for the event (draft agendas, existing websites, etc.):

Do you require a bio of the Secretary?

What is the attire of the event (business, casual)?

If the Secretary is not able to attend, is a surrogate desired? If yes, who specifically?

Any additional notes or information?

To: Funes, Jason[jason_funes@ios.doi.gov]
From: Chrissy Harbin
Sent: 2017-08-04T11:54:51-04:00
Importance: Normal
Subject: Re: Event Proposal Form
Received: 2017-08-04T11:55:00-04:00

Thanks for this! I'll send this to my events team and do what I can to make it happen. Good chatting w you!

Sent from my iPhone

On Aug 4, 2017, at 11:49 AM, Funes, Jason <jason_funes@ios.doi.gov> wrote:

Hey Chrissy,

Attached is the form I mentioned to you for getting a speaker for your upcoming event. I would make sure to mention VP will be there, and I'll see what I can do to have a DOI rep there as a speaker or part of your energy panel.

<https://www.doi.gov/pressreleases/interior-secretary-announces-vincent-devito-counselor-energy-policy>

Call me if you have any questions.

MAGA,

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
Office: (202) 208-5541

<Event Proposal Information Form.docx>

To: Chrissy Harbin[CHarbin@afphq.org]
From: Funes, Jason
Sent: 2017-08-04T13:00:15-04:00
Importance: Normal
Subject: Re: Event Proposal Form
Received: 2017-08-04T13:00:52-04:00

Let's see what we can do to make your event YUGE! :)
Yes and let's try to get together in the next week or so.

Take Care,
Jason Funes

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
Office: (202) 208-5541

On Fri, Aug 4, 2017 at 11:54 AM, Chrissy Harbin <CHarbin@afphq.org> wrote:

Thanks for this! I'll send this to my events team and do what I can to make it happen. Good chatting w you!

Sent from my iPhone

On Aug 4, 2017, at 11:49 AM, Funes, Jason <jason_funes@ios.doi.gov> wrote:

Hey Chrissy,
Attached is the form I mentioned to you for getting a speaker for your upcoming event. I would make sure to mention VP will be there, and I'll see what I can do to have a DOI rep there as a speaker or part of your energy panel.

<https://www.doi.gov/pressreleases/interior-secretary-announces-vincent-devito-counselor-energy-policy>

Call me if you have any questions.

MAGA,

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
Office: (202) 208-5541

<Event Proposal Information Form.docx>

To: jason_funes@ios.doi.gov[jason_funes@ios.doi.gov]
Cc: Chrissy Harbin[CHarbin@afphq.org]
From: Kacie Shallow
Sent: 2017-08-04T15:16:24-04:00
Importance: Normal
Subject: Event Proposal Form
Received: 2017-08-04T15:16:33-04:00
Event Proposal Information Form[1].docx

Good Afternoon Jason!

Please see attached for our completed event proposal form. If you need any further information, please do not hesitate to let me know.

Thank you!

Kacie Shallow | Senior Event Planner | Americans for Prosperity – HQ | M: 571-384-9739 | E: kshallow@afphq.org

Event Proposal Information Form

*Please complete this form and send to scheduling@ios.doi.gov

Specific Request to the Secretary

Title of the Event: Defending the American Dream Summit 2017

Date & Time of Event: Saturday, August 19th from 9:30am-5:15pm

Location: Richmond Marriott- 500 East Broad Street Richmond, VA

Point of Contact(s) (Name, Email, Phone for each): Kacie Shallow, kshallow@afphq.org, 571-384-9739

Briefly describe the event in detail, and the desired outcome of the Secretary's participation (2-3 sentences maximum): Each year grassroots leaders from our 36 state chapters across the country gather for the national Defending the American Dream Summit. We are invited the Secretary to speak on our "Give me Liberty in... Energy" panel which will focus on how the reductions in red tape are restoring access to affordable power for Americans and what lies ahead for continuing the roll-back of harmful policy.

Audience (expected attendance and makeup of the attendees): 650 grassroots activists as well as Americans for Prosperity staff, network and coalition partners.

VIPs invited or known to be attending: Vice President Mike Pence, FCC Chairman Ajit Pai, Ed Gillespie, and Steve Forbes among others will speak from our main stage.

What are the main messages that you are attempting to convey through this event (limit to 2-3)? Only through economic freedom can the dreams of America's founders remain true and only through economic freedom can new dreams grow. We can achieve this by growing the grassroots and remaining focused on tax, energy and labor reform.

Remarks (if applicable)

Desired length of time for remarks: The panel will take place between 10:45am-11:45am

Are there any particular individuals, groups or activities you would like the Secretary to recognize in his remarks?

Are there any specific comments you would like the Secretary to make?

What is the desired format of his remarks (will he be sharing the stage, a panel, etc)? Panel discussion moderated by our Vice President of External Affairs, Chrissy Harbin

Communications

Is press expected to attend? If yes, are there any reporters confirmed to attend and cover the event? Who? Press and various media outlets will be attending. We can provide RSVPs.

For remarks and press (if applicable), please check all that apply:

- Podium available
- Microphone available- Yes

Is there social media information for the event (hashtags, handles)? Yes- hashtag is #Dream17

Logistics/Other

Please supply all pertinent background information for the event (draft agendas, existing websites, etc.): Registration 8:00am-9:15am

General Session 9:30am-10:30am
Morning Breakouts 10:45am-11:45am
Lunch 11:55am-12:55pm
General Session 1:15pm-2:15pm
Afternoon Breakouts 2:30pm-3:30pm
General Session 3:45pm-5:15pm

www.defendingthedream.com

Do you require a bio of the Secretary? No

What is the attire of the event (business, casual)? The attendees will be varied from casual to business. We ask our panelists and speakers to be in business attire.

If the Secretary is not able to attend, is a surrogate desired? If yes, who specifically?

Any additional notes or information?

To: jason_funes@ios.doi.gov[jason_funes@ios.doi.gov]
From: Chrissy Harbin
Sent: 2017-08-07T10:02:56-04:00
Importance: Normal
Subject: Fwd: Event Proposal Form
Received: 2017-08-07T10:03:06-04:00
Event Proposal Information Form[1].docx
ATT00001.htm

Bumping this email up so it doesn't get lost in your inbox. Hope you enjoyed the weekend!

Sent from my iPhone

Begin forwarded message:

From: Kacie Shallow <kshallow@afphq.org>
Date: August 4, 2017 at 3:16:24 PM EDT
To: "jason_funes@ios.doi.gov" <jason_funes@ios.doi.gov>
Cc: Chrissy Harbin <Charbin@afphq.org>
Subject: Event Proposal Form

Good Afternoon Jason!

Please see attached for our completed event proposal form. If you need any further information, please do not hesitate to let me know.

Thank you!

Kacie Shallow | Senior Event Planner | Americans for Prosperity – HQ | M: 571-384-9739 |
E: kshallow@afphq.org

Event Proposal Information Form

*Please complete this form and send to scheduling@ios.doi.gov

Specific Request to the Secretary

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Date & Time of Event: Saturday, August 19th from 9:30am-5:15pm

Location: Richmond Marriott- 500 East Broad Street Richmond, VA

Point of Contact(s) (Name, Email, Phone for each): Kacie Shallow, kshallow@afphq.org, 571-384-9739

Briefly describe the event in detail, and the desired outcome of the Secretary's participation (2-3 sentences maximum): Each year grassroots leaders from our 36 state chapters across the country gather for the national Defending the American Dream Summit. We are invited the Secretary to speak on our "Give me Liberty in... Energy" panel which will focus on how the reductions in red tape are restoring access to affordable power for Americans and what lies ahead for continuing the roll-back of harmful policy.

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What are the main messages that you are attempting to convey through this event (limit to 2-3)? Only through economic freedom can the dreams of America's founders remain true and only through economic freedom can new dreams grow. We can achieve this by growing the grassroots and remaining focused on tax, energy and labor reform.

Remarks (if applicable)

Desired length of time for remarks: The panel will take place between 10:45am-11:45am

Are there any particular individuals, groups or activities you would like the Secretary to recognize in his remarks?

Are there any specific comments you would like the Secretary to make?

What is the desired format of his remarks (will he be sharing the stage, a panel, etc)? Panel discussion moderated by our Vice President of External Affairs, Chrissy Harbin

Communications

Is press expected to attend? If yes, are there any reporters confirmed to attend and cover the event? Who? Press and various media outlets will be attending. We can provide RSVPs.

For remarks and press (if applicable), please check all that apply:

- Podium available
- Microphone available- Yes

Is there social media information for the event (hashtags, handles)? Yes- hashtag is #Dream17

Logistics/Other

Please supply all pertinent background information for the event (draft agendas, existing websites, etc.): Registration 8:00am-9:15am

General Session 9:30am-10:30am
Morning Breakouts 10:45am-11:45am
Lunch 11:55am-12:55pm
General Session 1:15pm-2:15pm
Afternoon Breakouts 2:30pm-3:30pm
General Session 3:45pm-5:15pm

www.defendingthedream.com

Do you require a bio of the Secretary? No

What is the attire of the event (business, casual)? The attendees will be varied from casual to business. We ask our panelists and speakers to be in business attire.

If the Secretary is not able to attend, is a surrogate desired? If yes, who specifically?

Any additional notes or information?

To: Jason Funes[jfunes@ios.doi.gov]
From: Grant Kidwell
Sent: 2017-08-07T12:51:56-04:00
Importance: Normal
Subject: blog post on fracking repeal
Received: 2017-08-07T12:52:09-04:00

FYI. We highlighted it today on our blog.

<https://americansforprosperity.org/repealing-fracking-regulation-huge-step-forward-regulatory-reform/>

Grant Kidwell | Senior Policy Analyst| Americans for Prosperity
M: (571) 429-0533 | E: gkidwell@afphq.org

To: Grant Kidwell[GKidwell@afphq.org]
From: Funes, Jason
Sent: 2017-08-07T13:10:50-04:00
Importance: Normal
Subject: Re: blog post on fracking repeal
Received: 2017-08-07T13:11:27-04:00

THANK YOU for giving me notice of this!

I will be sure to share this with senior staff internally and outside groups who may have interest in this issue.

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
Office: (202) 208-5541

On Mon, Aug 7, 2017 at 12:51 PM, Grant Kidwell <GKidwell@afphq.org> wrote:

FYI. We highlighted it today on our blog.

<https://americansforprosperity.org/repealing-fracking-regulation-huge-step-forward-regulatory-reform/>

Grant Kidwell | Senior Policy Analyst| Americans for Prosperity

M: (571) 429-0533 | E: gkidwell@afphq.org

To: jason_funes@ios.doi.gov[jason_funes@ios.doi.gov]
From: Chrissy Harbin
Sent: 2017-08-09T09:01:01-04:00
Importance: Normal
Subject: Dad summit
Received: 2017-08-09T09:01:12-04:00

Heard back from our events team that our main stage was full -- OK to move forward w the paperwork for the panel? We're happy to have him speak at it.

Sent from my iPhone

To: Chrissy Harbin[CHarbin@afphq.org]
From: Funes, Jason
Sent: 2017-08-09T09:21:22-04:00
Importance: Normal
Subject: Re: Dad summit
Received: 2017-08-09T09:21:58-04:00

I went ahead and submitted the event form. Do you know what specific time the panel discussion will take place?

- Jason Funes

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
Office: (202) 208-5541

On Wed, Aug 9, 2017 at 9:01 AM, Chrissy Harbin <CHarbin@afphq.org> wrote:

Heard back from our events team that our main stage was full -- OK to move forward w the paperwork for the panel? We're happy to have him speak at it.

Sent from my iPhone

To: Funes, Jason[jason_funes@ios.doi.gov]
From: Chrissy Harbin
Sent: 2017-08-09T09:26:45-04:00
Importance: Normal
Subject: Re: Dad summit
Received: 2017-08-09T09:26:56-04:00

Thank you!

The whole event will take place in Richmond, VA on August 19th.

Breakout panels 10:45am-11:45am

Give me liberty in... Energy

Moderator-Chrissy Harbin

AGENDA/LOCATION:

Marriott Richmond

500 East Broad Street

Richmond, VA

Saturday August 19th

Registration	<u>8:00am-9:15am</u>	CAPITAL BALLROOM DOWNSTAIRS
General Session	<u>9:30am-10:30am</u>	GRAND BALLROOM UPSTAIRS
<u>Break</u>	<u>10:30am-10:45am</u>	
Breakouts	<u>10:45am-11:45am</u>	ENERGY/TAXES
Lunch	<u>11:55am-1:55pm</u>	CAPITAL BALLROOM DOWNSTAIRS
General Session	<u>1:15pm-2:15pm</u>	GRAND BALLROOM UPSTAIRS
<u>Break</u>	<u>2:15pm-2:30pm</u>	
Breakouts	<u>2:30pm-3:30pm</u>	POWER OF THE GRASSROOTS/LABOR
General Session	<u>3:45pm-5:15pm</u>	GRAND BALLROOM UPSTAIRS

Sent from my iPhone

On Aug 9, 2017, at 8:22 AM, Funes, Jason <jason_funes@ios.doi.gov> wrote:

I went ahead and submitted the event form. Do you know what specific time the panel discussion will take place?

- Jason Funes

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
Office: (202) 208-5541

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Heard back from our events team that our main stage was full -- OK to move forward w the paperwork for the panel? We're happy to have him speak at it.

Sent from my iPhone

To: Chrissy Harbin[Charbin@afphq.org]
From: Funes, Jason
Sent: 2017-08-09T09:43:51-04:00
Importance: Normal
Subject: Re: Dad summit
Received: 2017-08-09T09:44:28-04:00

Thanks for the follow up. I will be approaching Vincent about this in person as well.

**Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
Office: (202) 208-5541**

On Wed, Aug 9, 2017 at 9:26 AM, Chrissy Harbin <CHarbin@afphq.org> wrote:

Thank you!

The whole event will take place in Richmond, VA on August 19th.

Breakout panels 10:45am-11:45am

Give me liberty in... Energy

Moderator-Chrissy Harbin

AGENDA/LOCATION:

Marriott Richmond

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<u>Break</u>	10:30am-10:45am	
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Lunch	11:55am-1:55pm	CAPITAL BALLROOM DOWNSTAIRS
General	1:15pm-2:15pm	GRAND BALLROOM UPSTAIRS

Session		
<u>Break</u>	2:15pm-2:30pm	
Breakouts	2:30pm-3:30pm	POWER OF THE GRASSROOTS/LABOR
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Sent from my iPhone

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- Jason Funes

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
Office: (202) 208-5541

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Heard back from our events team that our main stage was full -- OK to move forward w the paperwork for the panel? We're happy to have him speak at it.

Sent from my iPhone

To: Grant Kidwell[GKidwell@afphq.org]
From: Funes, Jason
Sent: 2017-08-10T12:58:58-04:00
Importance: Normal
Subject: Some Follow Up Info
Received: 2017-08-10T12:59:34-04:00

Hey Grant,
Here is a little follow up info, and will get you other research info from outside groups when I receive it.

<https://www.indianz.com/News/2017/08/04/crowtribevaluationrule.pdf>

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
Office: (202) 208-5541

To: Funes, Jason[jason_funes@ios.doi.gov]
From: Grant Kidwell
Sent: 2017-08-10T13:00:55-04:00
Importance: Normal
Subject: RE: Some Follow Up Info
Received: 2017-08-10T13:01:06-04:00

Thanks for sending.

From: Funes, Jason [mailto:jason_funes@ios.doi.gov]
Sent: Thursday, August 10, 2017 12:59 PM
To: Grant Kidwell <GKidwell@afphq.org>
Subject: Some Follow Up Info

Hey Grant,

Here is a little follow up info, and will get you other research info from outside groups when I receive it.

<https://www.indianz.com/News/2017/08/04/crowtribevaluationrule.pdf>

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
Office: (202) 208-5541

To: kshallow@afphq.org[kshallow@afphq.org]
From: Funes, Jason
Sent: 2017-08-11T16:32:29-04:00
Importance: Normal
Subject: DAD Summit
Received: 2017-08-11T16:33:05-04:00

Hello Kacie,

Feel free to send any information regarding the event so I can forward that to Vincent Devito and his staff.

Thank you,

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
Office: (202) 208-5541

To: Funes, Jason[jason_funes@ios.doi.gov]
From: Kacie Shallow
Sent: 2017-08-11T19:13:01-04:00
Importance: Normal
Subject: Re: DAD Summit
Received: 2017-08-11T19:13:07-04:00
DeVito confirmation 8.11.17.docx

Hi Jason-

Please see attached for our speaker confirmation information that we've sent out to all other confirmed speakers. It includes our agenda so he and his team can see when and where the rest of the programming will take place. As we spoke about, I will also add his name to our list to have access to the Green Room that our main stage speakers have access to.

If you need any further information from me, please do not hesitate to let me know. Looking forward to connecting on Monday.

Have a great weekend!

Kacie Shallow | Senior Event Planner | Americans for Prosperity – HQ | M: 571-384-9739 | E: kshallow@afphq.org

From: "Funes, Jason" <jason_funes@ios.doi.gov>
Date: Friday, August 11, 2017 at 4:32 PM
To: Kacie Shallow <kshallow@afphq.org>
Subject: DAD Summit

Hello Kacie,

Feel free to send any information regarding the event so I can forward that to Vincent Devito and his staff.

Thank you,

**Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
Office: (202) 208-5541**



Vincent DeVito Speaker Information

AFP On-Site Point of Contact: Kacie Shallow ((b)(6))

AFP Secondary Contact: Chrissy Harbin (b)(6)

Speaker On-Site Point of Contact: Please advise.

Event Venue: Richmond Marriott

500 East Broad Street

Richmond, VA

804-643-3400

(General Session – Grand Ballroom EF)

Event Agenda:

Saturday	August 19th
Registration	8:00am-9:15am
General Session	9:30am-10:30am
<u>Break</u>	10:30am-10:45am
Breakouts	10:45am-11:45am
Lunch	11:55am-1:15pm
General Session	1:15pm-2:15pm
<u>Break</u>	2:15pm-2:30pm
Breakouts	2:30pm-3:30pm
General Session	3:45pm-5:15pm

Personal Schedule

Saturday, August 19th

Breakout: Give me Liberty in... Energy!

10:45am-11:45am

Grand Ballroom Salon D

Excess spending is hurting states' economies across the country, but tax reform can help right the course. Learn how the AFP policy team is working with Congress and state legislators on tax and spending solutions to get the country back on track.

****Access to the Green Room will also be given****

Event Theme & Messaging

Event Twitter Hashtag: #DREAM17

The American Dream is brought to life by the creators, rebels, thinkers, innovators, and entrepreneurs who want something more – the freedom and liberty to pursue happiness and fulfillment as they discover it for themselves and their families. Born in a melting pot of ideas, ethnicities, and visions of happiness the American Dream is unique because, through economic freedom, an infinite number of aspirations can become reality. Those aspirations in turn improve human wellbeing in the form of new medicine, plentiful, cheap, and delicious food, fast and affordable long-distance transportation, access to music, culture, and the arts, comfortable housing, more efficient and safe working conditions, fascinating entertainment, and so much more. Only through economic freedom can the dreams of America's founders remain true and only through economic freedom can new dreams grow.

Media

Media interviews can be scheduled through Chris Neefus (cneefus@afphq.org or at 703-517-4504).

Event Overview

The 2017 Defending the American Dream Summit will be the 11th Annual Summit. Each year grassroots leaders from our 36 state chapters across the country gather for the national Defending the American Dream Summit.

For 6 consecutive years, the Summit was held in Washington, DC. Subsequent Summits were held in Dallas, Columbus and Orlando.

Event Audience: This year's expected attendance is 650 of our most committed grassroots activists.

GUIDANCE FOR EVENT SPEAKERS

Thank you for your participation at this event of Americans for Prosperity. As you may know, Americans for Prosperity is a nonpartisan, tax-exempt organization, and we do not endorse candidates for public office. While speaking at our events, we ask that you follow the below guidance:

- **Speakers should avoid any references to candidacy, if applicable.** If you are currently running for office, please do not mention your candidacy or the election while speaking at our event. If you are wearing any campaign material, e.g. buttons, t-shirts, etc., we ask that you remove them before speaking.
- **Speakers Should Not Promote Any Political Party.** Americans for Prosperity is a nonpartisan, non-profit tax-exempt organization that advocates for smaller government, lower taxes, and free enterprise.
- **Speakers Should Not Endorse Candidates Or Express Support or Opposition to any Candidates.** Americans for Prosperity does not endorse candidates for public office. AFP's events are focused on promoting good public policy, and our activists would like to hear your views on key issues related to our mission.
- **Speakers Should Not Call Candidates On Stage If the Candidates Have Not Been Invited To Speak.** Federal and state law dictate under what circumstances we can invite candidates to speak at public events paid for by corporate funds. Leave it to our event organizers to determine, with advice of counsel, whether to invite candidates.
- **Our Mutual Goal Is To Influence Policy.** AFP is focused on influencing policy, not elections. Good policy makes good politics.

Event Website:
www.defendingthedream.com

Event Producer:
Americans for Prosperity
1310 North Courthouse Road
#700
Arlington, VA 22201

DEFENDING THE AMERICAN DREAM® SUMMIT

GIVE ME LIBERTY

To: vincent_devito@ios.doi.gov[vincent_devito@ios.doi.gov]
Cc: Gisella Ojeda-dodds[gisella_ojeda-dodds@ios.doi.gov]
From: Jason Funes
Sent: 2017-08-11T19:39:52-04:00
Importance: Normal
Subject: Fwd: DAD Summit
Received: 2017-08-11T19:40:02-04:00
[ATT00001.htm](#)
[DeVito confirmation 8.11.17.docx](#)

Below is an attachment and more information about Saturday's Americans For Prosperity event in Richmond, VA next Saturday.

Hope you can attend!

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
(202) 208-5541

Begin forwarded message:

From: Kacie Shallow <kshallow@afphq.org>
Date: August 11, 2017 at 7:13:01 PM EDT
To: "Funes, Jason" <jason_funes@ios.doi.gov>
Subject: DAD Summit

Hi Jason-

Please see attached for our speaker confirmation information that we've sent out to all other confirmed speakers. It includes our agenda so he and his team can see when and where the rest of the programming will take place. As we spoke about, I will also add his name to our list to have access to the Green Room that our main stage speakers have access to.

If you need any further information from me, please do not hesitate to let me know.
Looking forward to connecting on Monday.

Have a great weekend!

Kacie Shallow | Senior Event Planner | Americans for Prosperity – HQ | M: 571-384-9739 |
E: kshallow@afphq.org



Vincent DeVito Speaker Information

AFP On-Site Point of Contact: Kacie Shallow ([REDACTED] (b)(6))

AFP Secondary Contact: Chrissy Harbin ([REDACTED] (b)(6))

Speaker On-Site Point of Contact: Please advise.

Event Venue: Richmond Marriott

500 East Broad Street

Richmond, VA

804-643-3400

(General Session – Grand Ballroom EF)

Event Agenda:

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General Session	9:30am-10:30am
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Breakouts	10:45am-11:45am
Lunch	11:55am-1:15pm
General Session	1:15pm-2:15pm
<u>Break</u>	2:15pm-2:30pm
Breakouts	2:30pm-3:30pm
General Session	3:45pm-5:15pm

Personal Schedule

Saturday, August 19th

Breakout: Give me Liberty in... Energy!

10:45am-11:45am

Grand Ballroom Salon D

Excess spending is hurting states' economies across the country, but tax reform can help right the course. Learn how the AFP policy team is working with Congress and state legislators on tax and spending solutions to get the country back on track.

****Access to the Green Room will also be given****

Event Theme & Messaging

Event Twitter Hashtag: #DREAM17

The American Dream is brought to life by the creators, rebels, thinkers, innovators, and entrepreneurs who want something more – the freedom and liberty to pursue happiness and fulfillment as they discover it for themselves and their families. Born in a melting pot of ideas, ethnicities, and visions of happiness the American Dream is unique because, through economic freedom, an infinite number of aspirations can become reality. Those aspirations in turn improve human wellbeing in the form of new medicine, plentiful, cheap, and delicious food, fast and affordable long-distance transportation, access to music, culture, and the arts, comfortable housing, more efficient and safe working conditions, fascinating entertainment, and so much more. Only through economic freedom can the dreams of America's founders remain true and only through economic freedom can new dreams grow.

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Media interviews can be scheduled through Chris Neefus (cneefus@afphq.org or at 703-517-4504).

Event Overview

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For 6 consecutive years, the Summit was held in Washington, DC. Subsequent Summits were held in Dallas, Columbus and Orlando.

Event Audience: This year's expected attendance is 650 of our most committed grassroots activists.

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- **Speakers Should Not Call Candidates On Stage If the Candidates Have Not Been Invited To Speak.** Federal and state law dictate under what circumstances we can invite candidates to speak at public events paid for by corporate funds. Leave it to our event organizers to determine, with advice of counsel, whether to invite candidates.
- **Our Mutual Goal Is To Influence Policy.** AFP is focused on influencing policy, not elections. Good policy makes good politics.

Event Website:
www.defendingthedream.com

Event Producer:
Americans for Prosperity
1310 North Courthouse Road
#700
Arlington, VA 22201

DEFENDING THE AMERICAN DREAM® SUMMIT

GIVE ME LIBERTY

To: CCharbin@afphq.org[CCharbin@afphq.org]; kshallow@afphq.org[kshallow@afphq.org]
From: Jason Funes
Sent: 2017-08-14T06:26:34-04:00
Importance: Normal
Subject: DAD Energy Panel
Received: 2017-08-14T06:26:37-04:00

Chrissy & Kacie,

Btw hope you both had a great weekend!

Who is going to be the speakers in the energy panel break out session?

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
(202) 208-5541

To: Jason Funes[jason_funes@ios.doi.gov]; Chrissy Harbin[CHarbin@afphq.org]
From: Kacie Shallow
Sent: 2017-08-14T08:59:03-04:00
Importance: Normal
Subject: Re: DAD Energy Panel
Received: 2017-08-14T08:59:16-04:00

Good Morning Jason! Hope you had a good weekend as well.

Chrissy will be our moderator and we will also have our Senior Policy Analyst, Grant Kidwell, on as well.

Please let me know if you need anything further!

Kacie Shallow | Senior Event Planner | Americans for Prosperity – HQ | M: 571-384-9739 | E: kshallow@afphq.org

On 8/14/17, 6:26 AM, "Jason Funes" <jason_funes@ios.doi.gov> wrote:

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Who is going to be the speakers in the energy panel break out session?

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
(202) 208-5541

To: Kacie Shallow[kshallow@afphq.org]
From: Funes, Jason
Sent: 2017-08-14T09:41:46-04:00
Importance: Normal
Subject: Re: DAD Energy Panel
Received: 2017-08-14T09:42:23-04:00

Thank you for the follow up.

Final question I was asked about: what is the value of any meal gifts that may be offered that day (breakfast or lunch) as it will need to be cleared with our ethics office?

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
Office: (202) 208-5541

On Mon, Aug 14, 2017 at 8:59 AM, Kacie Shallow <kshallow@afphq.org> wrote:

Good Morning Jason! Hope you had a good weekend as well.

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Kacie Shallow | Senior Event Planner | Americans for Prosperity – HQ | M: 571-384-9739 | E: kshallow@afphq.org

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Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
(202) 208-5541

To: Funes, Jason[jason_funes@ios.doi.gov]
From: Kacie Shallow
Sent: 2017-08-14T09:49:45-04:00
Importance: Normal
Subject: Re: DAD Energy Panel
Received: 2017-08-14T09:49:52-04:00

Of course-

There will not be a breakfast offered, but we are doing a morning break that would average out to be about \$10/person and the lunch is valued at \$30/person.

The green room will have coffee and snacks available as well- valued at about \$10/person.

Thank you!

Kacie Shallow | Senior Event Planner | Americans for Prosperity – HQ | M: 571-384-9739 | E: kshallow@afphq.org

From: "Funes, Jason" <jason_funes@ios.doi.gov>
Date: Monday, August 14, 2017 at 9:41 AM
To: Kacie Shallow <kshallow@afphq.org>
Subject: Re: DAD Energy Panel

Thank you for the follow up.

Final question I was asked about: what is the value of any meal gifts that may be offered that day (breakfast or lunch) as it will need to be cleared with our ethics office?

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
Office: (202) 208-5541

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Kacie Shallow | Senior Event Planner | Americans for Prosperity – HQ | M: 571-384-9739 | E: kshallow@afphq.org

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Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
(202) 208-5541

To: Ojeda-dodds, Gisella[gisella_ojeda-dodds@ios.doi.gov]
From: Funes, Jason
Sent: 2017-08-14T09:53:45-04:00
Importance: Normal
Subject: Fwd: DAD Energy Panel
Received: 2017-08-14T09:54:22-04:00

Below is the information regarding costs of gift meals.
Please let Kacie Shallow or myself know asap if Vincent is able to attend, that way he can be added to the printed program for the day's events.

Thank you,

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
Office: (202) 208-5541

----- Forwarded message -----
From: **Kacie Shallow** <kshallow@afphq.org>
Date: Mon, Aug 14, 2017 at 9:49 AM
Subject: Re: DAD Energy Panel
To: "Funes, Jason" <jason_funes@ios.doi.gov>

Of course-

There will not be a breakfast offered, but we are doing a morning break that would average out to be about \$10/person and the lunch is valued at \$30/person.

The green room will have coffee and snacks available as well- valued at about \$10/person.

Thank you!

From: "Funes, Jason" <jason_funes@ios.doi.gov>
Date: Monday, August 14, 2017 at 9:41 AM
To: Kacie Shallow <kshallow@afphq.org>
Subject: Re: DAD Energy Panel

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Final question I was asked about: what is the value of any meal gifts that may be offered that day (breakfast or lunch) as it will need to be cleared with our ethics office?

Jason Funes

Special Assistant

Intergovernmental and External Affairs

Office of the Secretary

Department of the Interior

Office: (202) 208-5541

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Chrissy will be our moderator and we will also have our Senior Policy Analyst, Grant Kidwell, on as well.

Please let me know if you need anything further!

Kacie Shallow | Senior Event Planner | Americans for Prosperity – HQ | M: 571-384-9739 | E: kshallow@afphq.org

To: Jason Funes[jason_funes@ios.doi.gov]; Kacie Shallow[kshallow@afphq.org]
From: Chrissy Harbin
Sent: 2017-08-14T12:27:52-04:00
Importance: Normal
Subject: Re: DAD Energy Panel
Received: 2017-08-14T12:27:57-04:00

Our colleague Grant Kidwell is going to be the other speaker (he's going to talk about state-level energy issues) and we're working on getting a third. That weekend is really difficult to get speakers to confirm.

I may reach out to ATR next.

Chrissy Harbin | Vice President of External Affairs | Americans for Prosperity
M: (202) 560-1691 | E: charbin@afphq.org | T: @ChrissyHarbin <<https://twitter.com/ChrissyHarbin>>

On 8/14/17, 6:26 AM, "Jason Funes" <jason_funes@ios.doi.gov> wrote:

Chrissy & Kacie,

Btw hope you both had a great weekend!

Who is going to be the speakers in the energy panel break out session?

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
(202) 208-5541

To: Chrissy Harbin[CHarbin@afphq.org]
Cc: Kacie Shallow[kshallow@afphq.org]
From: Funes, Jason
Sent: 2017-08-14T13:05:01-04:00
Importance: Normal
Subject: Re: DAD Energy Panel
Received: 2017-08-14T13:05:37-04:00

Would you like for me to ask Vincent if he has someone in mind to suggest? Or you can call him to ask or bounce some ideas off him...

Jason Funes
Special Assistant
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Office: (202) 208-5541

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(202) 208-5541

To: Funes, Jason[jason_funes@ios.doi.gov]
Cc: Kacie Shallow[kshallow@afphq.org]
From: Chrissy Harbin
Sent: 2017-08-14T13:43:17-04:00
Importance: Normal
Subject: Re: DAD Energy Panel
Received: 2017-08-14T13:43:37-04:00

Happy to consider his suggestions! Thanks for the offer.

From: "Funes, Jason" <jason_funes@ios.doi.gov>
Date: Monday, August 14, 2017 at 1:05 PM
To: Chrissy Harbin <CCharbin@afphq.org>
Cc: Kacie Shallow <kshallow@afphq.org>
Subject: Re: DAD Energy Panel

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Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
(202) 208-5541

To: Funes, Jason[jason_funes@ios.doi.gov]
From: Ojeda-dodds, Gisella
Sent: 2017-08-14T14:41:45-04:00
Importance: Normal
Subject: Re: DAD Energy Panel
Received: 2017-08-14T14:41:52-04:00

Thanks Jason!

Gisella

On Mon, Aug 14, 2017 at 9:53 AM, Funes, Jason <jason_funes@ios.doi.gov> wrote:

Below is the information regarding costs of gift meals.

Please let Kacie Shallow or myself know asap if Vincent is able to attend, that way he can be added to the printed program for the day's events.

Thank you,

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
Office: (202) 208-5541

----- Forwarded message -----

From: **Kacie Shallow** <kshallow@afphq.org>
Date: Mon, Aug 14, 2017 at 9:49 AM
Subject: Re: DAD Energy Panel
To: "Funes, Jason" <jason_funes@ios.doi.gov>

Of course-

There will not be a breakfast offered, but we are doing a morning break that would average out to be about \$10/person and the lunch is valued at \$30/person.

The green room will have coffee and snacks available as well- valued at about \$10/person.

Thank you!

From: "Funes, Jason" <jason_funes@ios.doi.gov>
Date: Monday, August 14, 2017 at 9:41 AM
To: Kacie Shallow <kshallow@afphq.org>
Subject: Re: DAD Energy Panel

Thank you for the follow up.

Final question I was asked about: what is the value of any meal gifts that may be offered that day (breakfast or lunch) as it will need to be cleared with our ethics office?

Jason Funes

Special Assistant

Intergovernmental and External Affairs

Office of the Secretary

Department of the Interior

Office: (202) 208-5541

On Mon, Aug 14, 2017 at 8:59 AM, Kacie Shallow <kshallow@afphq.org> wrote:

Good Morning Jason! Hope you had a good weekend as well.

Chrissy will be our moderator and we will also have our Senior Policy Analyst, Grant Kidwell, on as well.

Please let me know if you need anything further!

--
Gisella Ojeda-Dodds
Executive Assistant to Douglas Domenech, Senior Advisor
Downey Magallanes, Acting Deputy Chief of Staff
Vincent DeVito, Counselor to the Secretary for Energy Policy

Immediate Office of the Secretary
U.S. Department of the Interior
1849 "C" Street, NW, MS: 6136-MIB
Washington, D.C. 20240
Telephone: (202) 208-4123/4105
Facsimile: (202) 208-4561
E-mail: Gisella_Ojeda-Dodds@ios.doi.gov

To: Kacie Shallow[kshallow@afphq.org]
Cc: Jason Funes[jason_funes@ios.doi.gov]
From: Ojeda-dodds, Gisella
Sent: 2017-08-15T15:03:55-04:00
Importance: Normal
Subject: Re: DAD Event on Saturday
Received: 2017-08-15T15:04:27-04:00

Hi Kacie,

I am not sure at this time but will hopefully know by tomorrow.

Gisella

On Tue, Aug 15, 2017 at 11:50 AM, Kacie Shallow <kshallow@afphq.org> wrote:

Good Morning Gisella!

Can you please let me know if Mr. DeVito will be traveling to the event with any staff members? I want to ensure we have badges prepared for them.

Kacie Shallow | Senior Event Planner | Americans for Prosperity – HQ | M: 571-384-9739 |
E: kshallow@afphq.org

From: "Ojeda-dodds, Gisella" <gisella_ojeda-dodds@ios.doi.gov>
Date: Monday, August 14, 2017 at 3:42 PM
To: Kacie Shallow <kshallow@afphq.org>
Subject: Re: DAD Event on Saturday

Thanks so much! Also, is the sponsor for the meals also your organization?

Thanks so much.

Gisella

On Mon, Aug 14, 2017 at 1:55 PM, Kacie Shallow <kshallow@afphq.org> wrote:

Good Afternoon Gisella-

I had sent this to Jason Funes this morning, but here it is again:

There will not be a breakfast offered, but we are doing a morning break that would average out to be about \$10/person and the lunch is valued at \$30/person.

The green room will have coffee and snacks available as well- valued at about \$10/person.

Please let me know if you need anything further from me!

Kacie Shallow | Senior Event Planner | Americans for Prosperity – HQ | M: 571-384-9739 |
E: kshallow@afphq.org

From: "Ojeda-dodds, Gisella" <gisella_ojeda-dodds@ios.doi.gov>

Date: Monday, August 14, 2017 at 12:55 PM

To: Kacie Shallow <kshallow@afphq.org>

Subject: DAD Event on Saturday

Good Afternoon,

My name is Gisella Ojeda-Dodds, Executive Assistant to Vincent DeVito. Mr. DeVito will be speaking at Saturday's DAD and I will need to have any meal gifts cleared through our ethics department if there are any. If you could let me know and also the value. Thanks so much!

Sincerely,

Gisella Ojeda-Dodds

Executive Assistant to Douglas Domenech, Senior Advisor

Downey Magallanes, Acting Deputy Chief of Staff

Vincent DeVito, Counselor to the Secretary for Energy Policy

Immediate Office of the Secretary

U.S. Department of the Interior

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Washington, D.C. 20240

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E-mail: Gisella_Ojeda-Dodds@ios.doi.gov

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Gisella Ojeda-Dodds

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Washington, D.C. 20240
Telephone: (202) 208-4123/4105
Facsimile: (202) 208-4561
E-mail: Gisella_Ojeda-Dodds@ios.doi.gov

To: Chrissy Harbin[charbin@afphq.org]; Kacie Shallow[kshallow@afphq.org]
From: Funes, Jason
Sent: 2017-08-15T18:25:17-04:00
Importance: Normal
Subject: Fwd: Americans For Prosperity - Defending the American Dream Summit - Richmond, VA 8/19
Received: 2017-08-15T18:25:54-04:00

Wanted to forward this to you!

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
Office: (202) 208-5541

----- Forwarded message -----

From: **Vincent Devito** <vincent_devito@ios.doi.gov>
Date: Tue, Aug 15, 2017 at 6:18 PM
Subject: Re: Americans For Prosperity - Defending the American Dream Summit - Richmond, VA 8/19
To: "Funes, Jason" <jason_funes@ios.doi.gov>

I will likely be there. So, confirmed pending any last minute issues.

To: Chrissy Harbin[charbin@afphq.org]; Kacie Shallow[kshallow@afphq.org]
From: Funes, Jason
Sent: 2017-08-15T18:42:57-04:00
Importance: Normal
Subject: Re: Americans For Prosperity - Defending the American Dream Summit - Richmond, VA 8/19
Received: 2017-08-15T18:43:33-04:00

Now he said "I am doing this event." :)

Kacie, if you have an extra 10min to fill on the main stage, def keep him in mind!

Also Chrissy he will be back in the office Thursday; did you want to speak to him at least over the phone about his role on Saturday?

Thursday might be best, he may be out of the office Friday.

Feel free to reach me on my cell anytime: 202 [REDACTED] (b)(6)

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
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On Tue, Aug 15, 2017 at 6:25 PM, Funes, Jason <jason_funes@ios.doi.gov> wrote:

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To: Funes, Jason[jason_funes@ios.doi.gov]
Cc: Kacie Shallow[kshallow@afphq.org]
From: Chrissy Harbin
Sent: 2017-08-15T19:57:12-04:00
Importance: Normal
Subject: Re: Americans For Prosperity - Defending the American Dream Summit - Richmond, VA 8/19
Received: 2017-08-15T19:57:26-04:00

Yaaaay thank you, Jason!

Sent from my iPhone

On Aug 15, 2017, at 6:43 PM, Funes, Jason <jason_funes@ios.doi.gov> wrote:

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From: **Vincent Devito** <vincent_devito@ios.doi.gov>

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Subject: Re: Americans For Prosperity - Defending the American Dream Summit - Richmond, VA 8/19

To: "Funes, Jason" <jason_funes@ios.doi.gov>

I will likely be there. So, confirmed pending any last minute issues.

To: Funes, Jason[jason_funes@ios.doi.gov]
Cc: Kacie Shallow[kshallow@afphq.org]
From: Chrissy Harbin
Sent: 2017-08-15T20:05:17-04:00
Importance: Normal
Subject: Re: Americans For Prosperity - Defending the American Dream Summit - Richmond, VA 8/19
Received: 2017-08-15T20:05:22-04:00

Also, happy to hop on the phone tomorrow or Thursday -- let me know what works on Vincent's and your end and I'll make it work.

Sent from my iPhone

On Aug 15, 2017, at 7:57 PM, Chrissy Harbin <CHarbin@afphq.org> wrote:

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**Office of the Secretary
Department of the Interior
Office: (202) 208-5541**

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Date: Tue, Aug 15, 2017 at 6:18 PM

Subject: Re: Americans For Prosperity - Defending the American Dream Summit -
Richmond, VA 8/19

To: "Funes, Jason" <jason_funes@ios.doi.gov>

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To: Chrissy Harbin[CHarbin@afphq.org]
Cc: Kacie Shallow[kshallow@afphq.org]
From: Jason Funes
Sent: 2017-08-15T21:49:05-04:00
Importance: Normal
Subject: Re: Americans For Prosperity - Defending the American Dream Summit - Richmond, VA 8/19
Received: 2017-08-15T23:24:49-04:00

I'll check back with you tomorrow, but more than likely it'll be Thursday or Friday.

Jason Funes
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Intergovernmental and External Affairs
Office of the Secretary
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To: "Funes, Jason" <jason_funes@ios.doi.gov>

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To: Jason Funes[jason_funes@ios.doi.gov]; Chrissy Harbin[CHarbin@afphq.org]
From: Kacie Shallow
Sent: 2017-08-16T08:35:24-04:00
Importance: Normal
Subject: Re: Americans For Prosperity - Defending the American Dream Summit - Richmond, VA 8/19
Received: 2017-08-16T08:35:38-04:00

Hi Jason-

Wanted to update you that the room rate we have for our block is \$145/night which is about \$30 less than is offered online. My team will have to add him to the block, so let me know if you'd like me to do so and have the hotel collect payment upon check in. Again, to ensure compliance, we have offered this option to all of our attendees, speakers, and staff members.

Kacie Shallow | Senior Event Planner | Americans for Prosperity – HQ | M: 571-384-9739 | E: kshallow@afphq.org

From: Jason Funes <jason_funes@ios.doi.gov>
Date: Tuesday, August 15, 2017 at 9:49 PM
To: Chrissy Harbin <CHarbin@afphq.org>
Cc: Kacie Shallow <kshallow@afphq.org>
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Special Assistant
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To: "Funes, Jason" <jason_funes@ios.doi.gov>

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To: Kacie Shallow[kshallow@afphq.org]
From: Funes, Jason
Sent: 2017-08-16T09:21:52-04:00
Importance: Normal
Subject: Re: Americans For Prosperity - Defending the American Dream Summit - Richmond, VA 8/19
Received: 2017-08-16T09:22:29-04:00

Just triple checking, this is at the Richmond Marriott, the site of the event?

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
Office: (202) 208-5541

On Wed, Aug 16, 2017 at 8:35 AM, Kacie Shallow <kshallow@afphq.org> wrote:

Hi Jason-

Wanted to updated you that the room rate we have for our block is \$145/night which is about \$30 less than is offered online. My team will have to add him to the block, so let me know if you'd like me to do so and have the hotel collect payment upon check in. Again, to ensure compliancy, we have offered this option to all of our attendees, speakers, and staff members.

Kacie Shallow | Senior Event Planner | Americans for Prosperity – HQ | M: 571-384-9739 |
E: kshallow@afphq.org

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To: Chrissy Harbin <Charbin@afphq.org>
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Special Assistant

Intergovernmental and External Affairs

Office of the Secretary

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Date: Tue, Aug 15, 2017 at 6:18 PM

Subject: Re: Americans For Prosperity - Defending the American Dream
Summit - Richmond, VA 8/19

To: "Funes, Jason" <jason_funes@ios.doi.gov>

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To: Funes, Jason[jason_funes@ios.doi.gov]
From: Kacie Shallow
Sent: 2017-08-16T09:29:40-04:00
Importance: Normal
Subject: Re: Americans For Prosperity - Defending the American Dream Summit - Richmond, VA 8/19
Received: 2017-08-16T09:29:46-04:00

Correct!

Kacie Shallow | Senior Event Planner | Americans for Prosperity – HQ | M: 571-384-9739 | E: kshallow@afphq.org

From: "Funes, Jason" <jason_funes@ios.doi.gov>
Date: Wednesday, August 16, 2017 at 9:21 AM
To: Kacie Shallow <kshallow@afphq.org>
Subject: Re: Americans For Prosperity - Defending the American Dream Summit - Richmond, VA 8/19

Just triple checking, this is at the Richmond Marriott, the site of the event?

Jason Funes
Special Assistant
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Kacie Shallow | Senior Event Planner | Americans for Prosperity – HQ | M: 571-384-9739 | E: kshallow@afphq.org

From: Jason Funes <jason_funes@ios.doi.gov>
Date: Tuesday, August 15, 2017 at 9:49 PM
To: Chrissy Harbin <CCharbin@afphq.org>
Cc: Kacie Shallow <kshallow@afphq.org>
Subject: Re: Americans For Prosperity - Defending the American Dream Summit - Richmond, VA 8/19

I'll check back with you tomorrow, but more than likely it'll be Thursday or Friday.

Jason Funes

Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
(202) 208-5541

On Aug 15, 2017, at 8:05 PM, Chrissy Harbin <Charbin@afphq.org> wrote:

Also, happy to hop on the phone tomorrow or Thursday -- let me know what works on Vincent's and your end and I'll make it work.

Sent from my iPhone

On Aug 15, 2017, at 7:57 PM, Chrissy Harbin <Charbin@afphq.org> wrote:

Yaaaay thank you, Jason!

Sent from my iPhone

On Aug 15, 2017, at 6:43 PM, Funes, Jason
<jason_funes@ios.doi.gov> wrote:

Now he said "I am doing this event." :)

Kacie, if you have an extra 10min to fill on the main stage, def keep him in mind!

Also Chrissy he will be back in the office Thursday; did you want to speak to him at least over the phone about his role on Saturday?

Thursday might be best, he may be out of the office Friday.

Feel free to reach me on my cell anytime: 202 [REDACTED] (b)(6)

**Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
Office: (202) 208-5541**

On Tue, Aug 15, 2017 at 6:25 PM, Funes, Jason
<jason_funes@ios.doi.gov> wrote:
Wanted to forward this to you!

**Jason Funes
Special Assistant
Intergovernmental and External Affairs**

**Office of the Secretary
Department of the Interior
Office: (202) 208-5541**

----- Forwarded message -----

From: **Vincent Devito** <vincent_devito@ios.doi.gov>

Date: Tue, Aug 15, 2017 at 6:18 PM

Subject: Re: Americans For Prosperity - Defending the American Dream
Summit - Richmond, VA 8/19

To: "Funes, Jason" <jason_funes@ios.doi.gov>

I will likely be there. So, confirmed pending any last minute issues.

To: Ojeda-dodds, Gisella[gisella_ojeda-dodds@ios.doi.gov]
From: Funes, Jason
Sent: 2017-08-16T09:32:59-04:00
Importance: Normal
Subject: Fwd: Americans For Prosperity - Defending the American Dream Summit - Richmond, VA 8/19
Received: 2017-08-16T09:33:36-04:00

Also here is an additional option for hotel stay, in case this is something Vincent is thinking of doing.

This is for the Richmond Marriott Hotel, the site for the event.

- Jason

----- Forwarded message -----

From: **Kacie Shallow** <kshallow@afphq.org>
Date: Wed, Aug 16, 2017 at 8:35 AM
Subject: Re: Americans For Prosperity - Defending the American Dream Summit - Richmond, VA 8/19
To: Jason Funes <jason_funes@ios.doi.gov>, Chrissy Harbin <CHarbin@afphq.org>

Hi Jason-

Wanted to update you that the room rate we have for our block is \$145/night which is about \$30 less than is offered online. My team will have to add him to the block, so let me know if you'd like me to do so and have the hotel collect payment upon check in. Again, to ensure compliance, we have offered this option to all of our attendees, speakers, and staff members.

Kacie Shallow | Senior Event Planner | Americans for Prosperity – HQ | M: 571-384-9739 | E: kshallow@afphq.org

To: Vincent Devito[vincent_devito@ios.doi.gov]
Cc: Ojeda-dodds, Gisella[gisella_ojeda-dodds@ios.doi.gov]
From: Funes, Jason
Sent: 2017-08-16T10:20:46-04:00
Importance: Normal
Subject: Fwd: DADS 2017- Morning Breakout UPDATE
Received: 2017-08-16T10:21:22-04:00

Your speaking time has been moved to 15min earlier.

The break out time has now changed to:

GIVE ME LIBERTY IN... ENERGY

10:30AM-11:30AM

Grand Ballroom Salon D

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
Office: (202) 208-5541

----- Forwarded message -----

From: **Kacie Shallow** <kshallow@afphq.org>
Date: Wed, Aug 16, 2017 at 9:48 AM
Subject: DADS 2017- Morning Breakout UPDATE
To: Kacie Shallow <kshallow@afphq.org>

Good Morning!

We've had some last minute updates to our agenda which has affected your breakout panel time slightly.

NEW TIME:

GIVE ME LIBERTY IN... TAXES

10:30AM-11:30AM

Grand Ballroom Salon G

GIVE ME LIBERTY IN... ENERGY

10:30AM-11:30AM

Grand Ballroom Salon D

If you have any questions, please do not hesitate to reach out. Thank you for your cooperation.

See you Saturday!!

Kacie Shallow | Senior Event Planner | Americans for Prosperity – HQ | M: 571-384-9739 | E: kshallow@afphq.org

To: kshallow@afphq.org[kshallow@afphq.org]; CCharbin@afphq.org[CCharbin@afphq.org]
From: Jason Funes
Sent: 2017-08-18T09:07:29-04:00
Importance: Normal
Subject: Final Agenda
Received: 2017-08-18T09:08:35-04:00

Kacie & Chrissy,

Is there a final agenda for tomorrow?

Also Vincent was asking that I accompany him to facilitate his participation in the event. I'd have to get that approved internally, but firstly what are your thoughts?

I'm trying to make time for him to speak to Chrissy about his speaking part.

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
(202) 208-5541

To: Jason Funes[jason_funes@ios.doi.gov]; Chrissy Harbin[CHarbin@afphq.org]
From: Kacie Shallow
Sent: 2017-08-18T09:27:03-04:00
Importance: Normal
Subject: Re: Final Agenda
Received: 2017-08-18T09:27:09-04:00

Good Morning Jason! Please see below for the final agenda:
Registration: 8am-915am
General Session: 9:30am-10:30am

Morning Breakouts: 10:30am-11:30am ← Vincent's time slot

Lunch and Networking: 11:45am-1:00pm
General Session: 1:15pm-2:15pm
Afternoon Breakouts: 2:30pm-3:30pm
General Session: 3:45pm-4:45pm

I think it would be great to have you come along! I will have my coworker create you a badge and have it ready for you upon arrival once you have internal approval.

I am now on site, so if you need anything further from me, please feel free to call my cell directly!

Kacie Shallow | Senior Event Planner | Americans for Prosperity – HQ | M: 571-384-9739 | E: kshallow@afphq.org

On 8/18/17, 9:07 AM, "Jason Funes" <jason_funes@ios.doi.gov> wrote:

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Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
(202) 208-5541

To: Jason Funes[jason_funes@ios.doi.gov]
From: Chrissy Harbin
Sent: 2017-08-18T10:09:19-04:00
Importance: Normal
Subject: FW: energy panel outline and questions
Received: 2017-08-18T10:09:30-04:00

See below and let me know what you think!

From: Tyler Houlton <thoulton@afphq.org>
Date: Wednesday, August 16, 2017 at 3:39 PM
To: Grant Kidwell <GKidwell@afphq.org>, Chrissy Harbin <CCharbin@afphq.org>
Subject: RE: energy panel outline and questions

I think this looks great. I wouldn't change anything. Chrissy can talk about CRAs in her initial speech

From: Grant Kidwell
Sent: Wednesday, August 16, 2017 3:37 PM
To: Tyler Houlton <thoulton@afphq.org>; Chrissy Harbin <CCharbin@afphq.org>
Subject: RE: energy panel outline and questions

Summit Energy Panel 2017

Title: GIVE ME LIBERTY IN... ENERGY

Time: 10:30AM-11:30AM

Location: Grand Ballroom Salon D

Outline

5 minutes

TQ introduces panelists to audience

Outlines AFP's stance of energy issues

- Our goal is affordable and reliable energy
- Innovation has delivered improving sources of energy over time and we are currently seeing this with fracking.
- To promote innovation, we need property rights, competition, and consumer choice
- Subsidies and mandates distort the incentives of entrepreneurs causing them to focus on what's political popular instead of the cheapest and most reliable form of energy.
- Along with overregulation, subsidies and mandates drive up costs of energy.
- To achieve afford and reliable energy, we need to have policies based competition and choice. We can start by getting rid of energy subsidies, mandates, and overregulation at all levels of government.

15 Minutes

Vincent DeVito speaks about Interior and Trump administration energy reforms

5 Minutes

Chrissy speaks about federal energy issues

- Victories at the federal level?

- Reforms AFP hopes to achieve?

5 Minutes

Grant speaks about state energy issues

- Summary of reforms that AFP activists have achieved
 - Net-metering
 - RPS- Kansas
 - Clean Power Plan
- Things we hope to achieve in the next few years
 - Ending energy mandates
 - RPS
 - Net Metering
 - Stop energy tax hikes
 - Gas taxes
 - Carbon taxes

20 Minutes

TQ Questions

For Vincent

- President Trump has talked a lot about energy dominance. Can you explain what that phrase means and how the Interior department is working to achieve it?
- How does the Department of Interior manage conservation and energy production?
- In Virginia, there's been discussion about the possibility of offshoring drilling. In 2016, Interior under the Obama administration decided to exclude the Atlantic region from future lease sales for 2017-2020, effectively banning any offshore drilling. Can you talk about what the Trump administration is doing on offshore drilling in the Atlantic?
- Earlier this year, Secretary Zinke announced that he was reviewing past designation of national monuments by the department of the Interior. Can you talk about why this review is needed?
- If you look at the growth of oil and gas production over the last decade because of fracking, its mostly occurred on privately owned lands and not federal lands. Why is that and are there steps that can be taken to increase natural resource development on federal lands?
- Earlier this year, the Department of Interior repealed an Obama administration regulation for fracking on federal lands?

For Grant

- What can states do to promote affordable and reliable energy?
- Since the Trump administration's departure from the Paris agreement, there has been talk of Governors and mayors attempting to join Paris. What does it actually mean for a city to join an international agreement and what will the impact be on energy prices?
- What energy opportunities are there for Virginia and states in the mid-Atlantic?
- How does Virginia compare to its neighboring states when it comes to energy policy and what steps can it take to remove barriers to energy development?

For Chrissy

- One of Americans for Prosperity's major energy issue was the so-called Clean Power Plan, really the costly power plan. What's currently going on with the regulation?
- Can you talk about the Trump administration's exit from the Paris agreement and what that means for the average American?
- We talk a lot about energy subsidies and the harmful effects they can have. What are currently some energy subsidies that AFP is fighting? (PTC)

For anyone

- How did the US go from facing oil and natural gas shortages to energy abundance?
- When talking about fossil fuels, the conversations tends to be negative. But what are the benefits of using fossil fuels?
- President Trump has talked a lot about infrastructure reform. How does infrastructure reform impact energy?
- What are the benefits of energy production?

10 Minutes

- Audience Questions

From: Tyler Houlton

Sent: Wednesday, August 16, 2017 3:28 PM

To: Grant Kidwell <GKidwell@afphq.org>; Chrissy Harbin <Charbin@afphq.org>

Subject: RE: energy panel outline and questions

I cant access this. Can you copy and paste? Thanks

From: Grant Kidwell

Sent: Wednesday, August 16, 2017 3:13 PM

To: Chrissy Harbin <Charbin@afphq.org>; Tyler Houlton <thoulton@afphq.org>

Subject: energy panel outline and questions

I'm working on adding more questions, but wanted to send out what I have now for feedback and if you think it's in the right direction.

Grant Kidwell | Senior Policy Analyst | Americans for Prosperity
M: (571) 429-0533 | E: gkidwell@afphq.org

To: Jason Funes[jfunes@ios.doi.gov]
From: Grant Kidwell
Sent: 2017-08-18T10:35:47-04:00
Importance: Normal
Subject: valuation rule
Received: 2017-08-18T10:35:57-04:00

<https://americansforprosperity.org/interior-department-repeals-another-obama-energy-regulation/>

Grant Kidwell | Senior Policy Analyst | Americans for Prosperity
M: (571) 429-0533 | E: gkidwell@afphq.org

To: Chrissy Harbin[CCharbin@afphq.org]
From: Funes, Jason
Sent: 2017-08-18T12:24:57-04:00
Importance: Normal
Subject: Re: FW: energy panel outline and questions
Received: 2017-08-18T12:25:34-04:00

I think the timing looks great, and Vincent can discuss a lot of heavy energy issues in those 15min; thank you for that time allotment!

However the question about the monument review I personally think we should stay away from, it may distract from the energy theme. The next question about energy development on private land vs federal lands may shed light on issues on federal lands.

I'll run this all by Vincent later today, but realistically I think we'll both review this on the drive down.

Do you have a list of press affiliations in attendance?

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
Office: (202) 208-5541

On Fri, Aug 18, 2017 at 10:09 AM, Chrissy Harbin <CCharbin@afphq.org> wrote:

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- Audience Questions

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Subject: RE: energy panel outline and questions

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To: Chrissy Harbin <CHarbin@afphq.org>; Tyler Houlton <thoulton@afphq.org>
Subject: energy panel outline and questions

I'm working on adding more questions, but wanted to send out what I have now for feedback and if you think it's in the right direction.

Grant Kidwell | Senior Policy Analyst| Americans for Prosperity

M: (571) 429-0533 | E: gkidwell@afphq.org

To: Grant Kidwell[GKidwell@afphq.org]
From: Funes, Jason
Sent: 2017-08-18T12:28:02-04:00
Importance: Normal
Subject: Re: valuation rule
Received: 2017-08-18T12:28:39-04:00

This looks great!
I look forward to discussing more tomorrow at the event.

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
Office: (202) 208-5541

On Fri, Aug 18, 2017 at 10:35 AM, Grant Kidwell <GKidwell@afphq.org> wrote:

<https://americansforprosperity.org/interior-department-repeals-another-obama-energy-regulation/>

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M: (571) 429-0533 | E: gkidwell@afphq.org

To: Jason Funes[jason_funes@ios.doi.gov]
From: Kacie Shallow
Sent: 2017-08-19T00:01:41-04:00
Importance: Normal
Subject: DADS BREAKOUTS
Received: 2017-08-19T00:01:51-04:00

Hi Jason! Wanted to give you a reminder email for you to have all of the information readily available for tomorrow. We're asking the panelists to arrive no later than 5 minutes prior to the start of the breakout. If you want to meet tomorrow at some point to walk the space, please text my cell!

10:30am-11:30am

GIVE ME LIBERTY IN... ENERGY

TQ, Chrissy, Grant

Grand Ballroom Salon D (if you are facing General Session, this breakout is to your RIGHT)

If there's anything further that you need, please let me know!

Kacie Shallow | Senior Event Planner | Americans for Prosperity – HQ | M: 571-384-9739 | E: kshallow@afphq.org

To: Jason Funes[jason_funes@ios.doi.gov]
From: Kacie Shallow
Sent: 2017-08-19T07:15:03-04:00
Importance: Normal
Subject: Name badges
Received: 2017-08-19T07:15:14-04:00

Just in case I'm running around when you and Vincent arrive, I've left your name badges at the U-Z registration counter (least amount of people :))

Kacie Shallow | Senior Event Planner | Americans for Prosperity – HQ | M: 571-384-9739 |
E: kshallow@afphq.org

To: Kacie Shallow[kshallow@afphq.org]
From: Jason Funes
Sent: 2017-08-19T07:49:13-04:00
Importance: Normal
Subject: Re: Name badges
Received: 2017-08-19T07:49:16-04:00

Thank you very much!

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
(202) 208-5541

On Aug 19, 2017, at 7:15 AM, Kacie Shallow <kshallow@afphq.org> wrote:

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Kacie Shallow | Senior Event Planner | Americans for Prosperity – HQ | M: [571-384-9739](tel:571-384-9739) | E: kshallow@afphq.org

To: Chrissy Harbin[charbin@afphq.org]
From: Funes, Jason
Sent: 2017-08-19T08:51:49-04:00
Importance: Normal
Subject: Vincent Devito - Short Bio For Intro
Received: 2017-08-19T08:52:21-04:00

Mr. Vincent DeVito serves as Counselor to the Secretary for Energy Policy in order to strengthen and better coordinate the Department of Interior's vast energy portfolio. In fact, his position was created through Secretarial Order in order to advance the Trump Administration's goal of American energy independence.

The Department of Interior's energy portfolio includes oil, gas, coal, hydroelectric, wind, solar, geothermal, and biomass.

The Department recognizes that the development of energy resources on public lands will increase domestic energy production, provide alternatives to overseas energy resources, create jobs, and enhance the energy security of the United States.

Mr. DeVito previously held several senior leadership roles at the U.S. Department of Energy and within state energy offices. Most recently, Mr. DeVito was a Capital Partner at the law firm of Bowditch & Dewey, LLP in Boston with a corporate, regulatory, and, government affairs practice. Mr. DeVito is a licensed member of the District of Columbia, Massachusetts, New York, and U.S. Supreme Court Bars.

Counselor to the Secretary for Energy Policy - Vincet Devito

To: Funes, Jason[jason_funes@ios.doi.gov]
From: Chrissy Harbin
Sent: 2017-08-19T09:08:50-04:00
Importance: Normal
Subject: Re: Vincent Devito - Short Bio For Intro
Received: 2017-08-19T09:09:03-04:00

Awesome thanks

From: "Funes, Jason" <jason_funes@ios.doi.gov>
Date: Saturday, August 19, 2017 at 8:51 AM
To: Chrissy Harbin <CCharbin@afphq.org>
Subject: Vincent Devito - Short Bio For Intro

Mr. Vincent DeVito serves as Counselor to the Secretary for Energy Policy in order to strengthen and better coordinate the Department of Interior's vast energy portfolio. In fact, his position was created through Secretarial Order in order to advance the Trump Administration's goal of American energy independence.

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Counselor to the Secretary for Energy Policy - Vincet Devito

To: Jason Funes[jason_funes@ios.doi.gov]
From: Kacie Shallow
Sent: 2017-08-23T14:43:40-04:00
Importance: Normal
Subject: Thank you!
Received: 2017-08-23T14:43:49-04:00

Hi Jason!

I wanted to send a quick thank you for all that you helped out with in getting Mr. DeVito to our event. What is a good address that I can send his thank you card to?

Thank you!!

Kacie Shallow | Senior Event Planner | Americans for Prosperity – HQ | M: 571-384-9739 |
E: kshallow@afphq.org

To: Kacie Shallow[kshallow@afphq.org]
From: Funes, Jason
Sent: 2017-08-23T19:02:45-04:00
Importance: Normal
Subject: Re: Thank you!
Received: 2017-08-23T19:03:22-04:00

You are mighty kind and it was a delight for the entire department having Vincent there to speak!

Please let me know when you have your next DAD summit or other events, as we would love to have Secretary Zinke or Vincent Devito address your group again.

The best mailing address:

Department of Interior
Attn: Vincent Devito
1849 C St. NW
Room #6132
Washington, DC 20240

Together we will MAGA,
Jason Funes

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
Office: (202) 208-5541

On Wed, Aug 23, 2017 at 2:43 PM, Kacie Shallow <kshallow@afphq.org> wrote:

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Thank you!!

Kacie Shallow | Senior Event Planner | Americans for Prosperity – HQ | M: 571-384-9739 |
E: kshallow@afphq.org

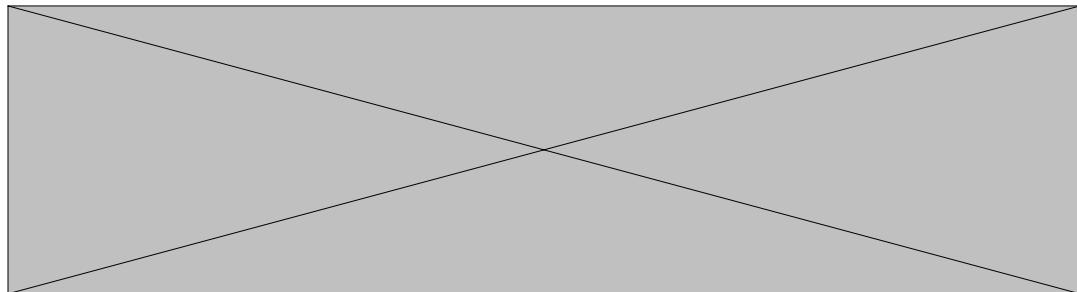
To: jason_funes@ios.doi.gov[jason_funes@ios.doi.gov]
Cc: Grant Kidwell[GKidwell@afphq.org]
From: Chrissy Harbin
Sent: 2017-08-24T16:34:57-04:00
Importance: Normal
Subject: Fwd: AFP Thanks Interior Secretary for Recommendations to Rein in Antiquities Act Abuses
Received: 2017-08-24T16:35:41-04:00

Jason -- ICYMI please see pasted below and online here --
thanks! <https://americansforprosperity.org/afp-thanks-interior-secretary-recommendations-rein-antiquities-act-abuses/>

Sent from my iPhone

Begin forwarded message:

From: "AFP Media" <media@afphq.org>
Date: August 24, 2017 at 3:10:16 PM EDT
To: Charbin@afphq.org
Subject: AFP Thanks Interior Secretary for Recommendations to Rein in Antiquities Act Abuses



NEWS RELEASE

FOR IMMEDIATE RELEASE: August 24, 2017

CONTACT: Chris Neefus, CNeeefus@afphq.org

AFP Thanks Interior Secretary for Recommendations to Rein in

Antiquities Act Abuses

Arlington, Va. – Americans for Prosperity is commending the Interior Secretary Ryan Zinke after he sent President Trump a series of recommendations designed to give additional flexibility to local communities impacted by overly broad management of federal lands under the Antiquities Act.

Secretary Zinke recently completed a 120-day review process that included sites with over 100,000 federal acres designated as national monuments under federal management. These include natural geological sites like Bears Ears in Utah or the Grand Staircase Escalante in Utah.

Americans for Prosperity Vice President of External Affairs Christine Harbin released this statement thanking the Secretary:

“In recent years, the federal government has used the Antiquities Act to dramatically increase the amount of land it’s seizing control of – with monuments designated under President Obama nearly 200 times the average size of those President Theodore Roosevelt was initially authorizing.

“We’re pleased that Secretary Zinke has undertaken a review of these large sites from the past two decades to ensure the government is not needlessly encroaching on local economic use, tribal activities, recreation, or simple public access.

“The government should adhere to the ‘smallest area compatible’ standard laid out in statute to ensure local communities, who know the area best, can enjoy or utilize the remaining land. We also encourage President Trump to follow in the footsteps of the five previous presidents who have rightfully adjusted the size of these sites per the review findings.”

BACKGROUND

“The Antiquities Act has been hijacked” (Op-ed, Grant Kidwell, The Hill, 12 May 2017).

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*For further information or an interview, reach Chris Neefus at
CNeeffus@afphq.org or (703) 517-4504.*

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###

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Americans for Prosperity, 1310 N. Courthouse Rd., Arlington, VA 22201 United States

To: Chrissy Harbin[CHarbin@afphq.org]
Cc: Grant Kidwell[GKidwell@afphq.org]
From: Funes, Jason
Sent: 2017-09-01T12:49:32-04:00
Importance: Normal
Subject: Re: AFP Thanks Interior Secretary for Recommendations to Rein in Antiquities Act Abuses
Received: 2017-09-01T12:50:09-04:00

Thank you for the support and for forwarding me the article!! :) The specific release is NOT coming out today, but I will contact you when I have more info.
When you give me a heads up of your published work, I get to share it with our senior staff and this happens...

We used your article as part of a press release on 8/25
<https://www.doi.gov/pressreleases/wtas-zinke-praised-recommendation-national-monuments>

I hope you both have a wonderful weekend!!

- MAGA

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
Office: (202) 208-5541

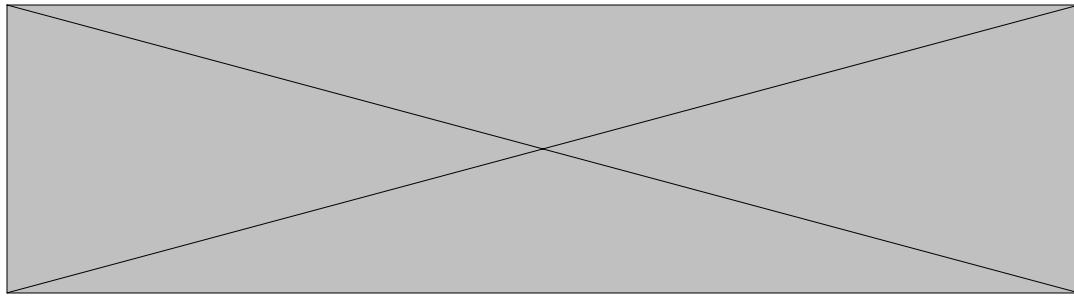
On Thu, Aug 24, 2017 at 4:34 PM, Chrissy Harbin <CHarbin@afphq.org> wrote:

Jason -- ICYMI please see pasted below and online here --
thanks! <https://americansforprosperity.org/afp-thanks-interior-secretary-recommendations-rein-antiquities-act-abuses/>

Sent from my iPhone

Begin forwarded message:

From: "AFP Media" <media@afphq.org>
Date: August 24, 2017 at 3:10:16 PM EDT
To: CHarbin@afphq.org
Subject: AFP Thanks Interior Secretary for Recommendations to Rein in Antiquities Act Abuses



NEWS RELEASE

FOR IMMEDIATE RELEASE: August 24, 2017

CONTACT: Chris Neefus, CNeefus@afphq.org

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To: Funes, Jason[jason_funes@ios.doi.gov]
From: Grant Kidwell
Sent: 2017-09-22T16:05:08-04:00
Importance: Normal
Subject: AFP Blog Post on Interior Memo
Received: 2017-09-22T16:05:59-04:00

<https://americansforprosperity.org/interior-moving-right-direction-national-monuments/>

Grant Kidwell | Senior Policy Analyst | Americans for Prosperity
M: (571) 429-0533 | E: gkidwell@afphq.org

To: Chrissy Harbin[charbin@afphq.org]; Grant Kidwell[GKidwell@afphq.org]
From: Funes, Jason
Sent: 2017-09-22T19:53:26-04:00
Importance: Normal
Subject: Contact Info
Received: 2017-09-22T19:54:02-04:00

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To: Funes, Jason[jason_funes@ios.doi.gov]; Grant Kidwell[GKidwell@afphq.org]
Cc: Melissa Evans[mevans@afphq.org]
From: Chrissy Harbin
Sent: 2017-09-22T22:51:28-04:00
Importance: Normal
Subject: Re: Contact Info
Received: 2017-09-22T22:51:40-04:00

Thanks for reaching out, Jason.

Copying Melissa Evans, who manages Tim's schedule, and can help.

Let us know if we can help further. Enjoy the weekend.

Chrissy Harbin | Vice President of External Affairs | Americans for Prosperity
M: (202) 560-1691 | E: charbin@afphq.org | T: [@ChrissyHarbin](https://twitter.com/ChrissyHarbin)

From: "Funes, Jason" <jason_funes@ios.doi.gov>
Date: Friday, September 22, 2017 at 7:53 PM
To: Chrissy Harbin <CHarbin@afphq.org>, Grant Kidwell <GKidwell@afphq.org>
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Cc: Chrissy Harbin[CHarbin@afphq.org]; Grant Kidwell[GKidwell@afphq.org]; Tim Phillips[TPhillips@afphq.org]
From: Melissa Evans
Sent: 2017-09-25T09:43:53-04:00
Importance: Normal
Subject: RE: Contact Info
Received: 2017-09-25T09:44:03-04:00

Hello Jason,

Tim Phillips, President of AFP can be reached by email at TPhillips@afphq.org

Sincerely,

Melissa Evans

Melissa Evans | Executive Assistant | Americans for Prosperity - HQ
m: 571.329.3340 | o: 703.224.3178 | e: mevans@afphq.org

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From: Funes, Jason
Sent: 2017-09-25T11:52:10-04:00
Importance: Normal
Subject: Re: Contact Info
Received: 2017-09-25T11:52:43-04:00

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From: Tim Phillips
Sent: 2017-09-25T12:17:55-04:00
Importance: Normal
Subject: Re: Contact Info
Received: 2017-09-25T12:18:05-04:00

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Sent from my iPhone

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From: Funes, Jason
Sent: 2017-09-25T22:27:32-04:00
Importance: Normal
Subject: Re: Contact Info
Received: 2017-09-25T22:28:12-04:00
[DREG Energy invite - AFP.pdf](#)

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Tim Phillips

President of Americans For Prosperity

You are cordially invited to attend

Cut the Red Tape

Liberating America from Bureaucracy

A Summit hosted by Secretary Ryan Zinke

Monday, the second of October two thousand and seventeen
from 2:00pm-3:00pm

U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Details and logistical information to follow

Please RSVP by Wednesday, September 27th to Timothy_Williams@ios.doi.gov

This invitation is non-transferable

To: Tim Phillips[TPhillips@afphq.org]
Cc: Melissa Evans[mevans@afphq.org]; Chrissy Harbin[CHarbin@afphq.org]; Grant Kidwell[GKidwell@afphq.org]
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From: Tim Phillips
Sent: 2017-09-27T19:02:42-04:00
Importance: Normal
Subject: Re: Contact Info
Received: 2017-09-27T19:02:54-04:00

Jason

Unfortunately, I will be on the road. Please keep me in mind for future events.

Best

Tim

Sent from my iPhone

On Sep 27, 2017, at 5:11 PM, Funes, Jason <jason_funes@ios.doi.gov> wrote:

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Sent: Friday, September 22, 2017 10:51 PM
To: Funes, Jason <jason_funes@ios.doi.gov>; Grant Kidwell <GKidwell@afphq.org>
Cc: Melissa Evans <mevans@afphq.org>
Subject: Re: Contact Info

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Chrissy Harbin | Vice President of External Affairs | Americans for Prosperity

M: (202) 560-1691 | E: charbin@afphq.org | T: [@ChrissyHarbin](https://twitter.com/ChrissyHarbin)

From: "Funes, Jason" <jason_funes@ios.doi.gov>

Date: Friday, September 22, 2017 at 7:53 PM

To: Chrissy Harbin <Charbin@afphq.org>, Grant Kidwell <GKidwell@afphq.org>

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Jason Funes

Special Assistant

Intergovernmental and External Affairs

Office of the Secretary

Department of the Interior

Office: (202) 208-5541

To: Funes, Jason[jason_funes@ios.doi.gov]
From: Chrissy Harbin
Sent: 2017-09-27T19:10:29-04:00
Importance: Normal
Subject: Re: Contact Info
Received: 2017-09-27T19:10:51-04:00

Just left you a VM -- happy to offer up a different principal for the event.

Sent from my iPhone

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Office: (202) 208-5541

To: Chrissy Harbin[CHarbin@afphq.org]
From: Jason Funes
Sent: 2017-09-27T19:14:35-04:00
Importance: Normal
Subject: Re: Contact Info
Received: 2017-09-27T19:14:42-04:00

I'll reach back out to you in about 15min if that's ok.

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
(202) 208-5541

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To: Chrissy Harbin[charbin@afphq.org]
From: Funes, Jason
Sent: 2017-09-27T19:49:03-04:00
Importance: Normal
Subject: RPC
Received: 2017-09-27T19:49:40-04:00

Chrissy,
Here is the link to the agenda:

<https://www.doi.gov/rpc/october-4-2017-committee-meeting>

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
Office: (202) 208-5541

To: Funes, Jason[jason_funes@ios.doi.gov]
From: Melissa Evans
Sent: 2017-09-27T20:38:54-04:00
Importance: Normal
Subject: Re: Contact Info
Received: 2017-09-27T20:39:17-04:00

Hello Jason,

Unfortunately Tim will be out of town that day and will not be able to attend. Please keep him on the list for future invitations.

Melissa Evans
Sent from my iPhone

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To: Funes, Jason[jason_funes@ios.doi.gov]
From: Chrissy Harbin
Sent: 2017-09-28T08:45:17-04:00
Importance: Normal
Subject: Re: RPC
Received: 2017-09-28T08:45:26-04:00

Thanks !

Sent from my iPhone

On Sep 27, 2017, at 7:49 PM, Funes, Jason <jason_funes@ios.doi.gov> wrote:

Chrissy,
Here is the link to the agenda:

<https://www.doi.gov/rpc/october-4-2017-committee-meeting>

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To: Tim Phillips[TPhillips@afphq.org]
Cc: Melissa Evans[mevans@afphq.org]; Chrissy Harbin[CHarbin@afphq.org]; Grant Kidwell[GKidwell@afphq.org]
From: Funes, Jason
Sent: 2017-09-30T15:07:18-04:00
Importance: Normal
Subject: Re: Contact Info
Received: 2017-09-30T15:07:55-04:00

We look forward to having you meet with the Secretary and senior staff any time, especially for future events!

As I am finalizing the list for Monday, please let me know if any other AFP officials will be able to attend in your place.

Thanks,
Jason Funes

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Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
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On Wed, Sep 27, 2017 at 7:02 PM, Tim Phillips <TPhillips@afphq.org> wrote:

Jason
Unfortunately, I will be on the road. Please keep me in mind for future events.
Best
Tim

Sent from my iPhone

On Sep 27, 2017, at 5:11 PM, Funes, Jason <jason_funes@ios.doi.gov> wrote:

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To: Chrissy Harbin[charbin@afphq.org]; Grant Kidwell[GKidwell@afphq.org]
From: Funes, Jason
Sent: 2017-10-01T19:10:31-04:00
Importance: Normal
Subject: Tomorrow's DOI Deregulation Roundtable
Received: 2017-10-01T19:11:02-04:00

Hey Chrissy and Grant,
Is anyone from AFP able to attend tomorrow's event with the Secretary and Deputy Secretary?

Please let me know ASAP as I'm sending final RSVP's to our staff.

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To: Funes, Jason[jason_funes@ios.doi.gov]; Chrissy Harbin[Charbin@afphq.org]
From: Grant Kidwell
Sent: 2017-10-02T09:39:02-04:00
Importance: Normal
Subject: RE: Tomorrow's DOI Deregulation Roundtable
Received: 2017-10-02T09:39:16-04:00

Hey my apologizes Jason, I was out at the beach this weekend and didn't have access to email so I just now saw the email.

From: Funes, Jason [mailto:jason_funes@ios.doi.gov]
Sent: Sunday, October 01, 2017 7:11 PM
To: Chrissy Harbin <Charbin@afphq.org>; Grant Kidwell <GKidwell@afphq.org>
Subject: Tomorrow's DOI Deregulation Roundtable

Hey Chrissy and Grant,

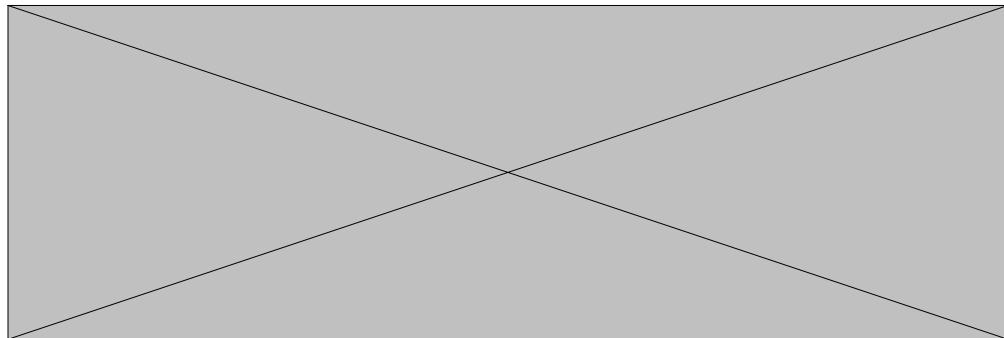
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To: Chrissy Harbin[charbin@afphq.org]; Grant Kidwell[GKidwell@afphq.org]
From: Funes, Jason
Sent: 2017-10-25T14:32:52-04:00
Importance: Normal
Subject: Fwd: Department of the Interior Releases Energy Burdens Report: TEST
Received: 2017-10-25T14:33:29-04:00



Date: October 25, 2017
Contact: Interior_Press@ios.doi.gov

Department of the Interior Releases Energy Burdens Report

Outlines Trump Administration's bold approach to achieving American energy dominance

WASHINGTON – U.S. Secretary Today, the U.S. Department of the Interior released the "Review of the Department of the Interior Actions that Potentially Burden Domestic Energy" report which was produced in response to Executive Order 13783. The report identified agency actions that potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear energy resources. Interior oversees America's oil, gas, coal, hydropower, and renewable energy resources produced on federal lands and waters, which account for almost one-fifth of the Nation's energy and generate on average \$10 billion per year in annual revenue.

"Developing our energy resources to grow our economy and protecting the environment are not mutually exclusive. However, while conducting the review outlined in the Executive Order, we found that several costly and burdensome regulations from the past threaten that balance by hampering the production or transmission of our domestic energy," **said Secretary of the Interior Ryan Zinke**. "Our public lands are meant to be managed for the benefit of the people. That means a multiple-use approach where appropriate and making sure that multiple-use includes energy development under reasonable regulations. Following President Trump's leadership, Interior is fostering domestic energy production by streamlining permitting and revising and repealing Obama-era job killing regulations – all while doing so in an environmentally responsible way."

“The federal government can and must be a better business partner,” **Vincent DeVito, Counselor to the Secretary for Energy Policy, said.** “Secretary Zinke’s bold approach to achieving American energy dominance is making our nation freer, more secure, and more prosperous. Regulations should not unnecessarily burden energy production, but that is what occurs in many cases. The recent actions outlined in this energy report show how Interior is rolling back some of these burdensome regulations that add little or no value, while promoting responsible energy development.”

The report identified a number of burdens that specifically impede the production and transportation of energy resources, including, but not limited to:

- **Obama-Era 5-Year Program** Under the last Administration, 94% of the Outer Continental Shelf (OCS) was put off-limits from leasing, having an adverse effect on jobs and energy dominance, while drastically reducing access to future revenue.
 - Trump Administration Action: [Secretarial Order 3350, America-First Offshore Energy Strategy](#) started the process of developing a new 5-Year Program to responsibly develop the OCS and generate much-needed revenue.
- **Federal Coal Leasing Moratorium (Secretarial Order 3338, Discretionary Programmatic Environmental Impact Statement to Modernize the Federal Coal Program)** Nearly 40% of our nation's coal comes from public lands. The 2016 coal moratorium undermines American energy security, inhibits job creation, and reduces revenues to state and local governments.
 - Action: [Secretarial Order 3348, Concerning the Federal Coal Moratorium](#) repealed the Obama-era moratorium on new federal coal leases.
- **Hydraulic Fracturing on Federal and Indian Lands Rule (RIN 1004-AE26)** The compliance costs of the existing 2015 rule on hydraulic fracturing are not justified. All 32 states with federal oil and gas leases and some tribes currently have laws or regulations that address hydraulic fracturing operations.
 - Action: [Secretarial Order 3349: American Energy Independence](#) put the rule under review. The BLM published a rulemaking to rescind the rule on July 25th.
- **Waste Prevention, Production Subject to Royalties, and Resource Conservation AKA the Venting and Flaring Rule (RIN 1004-AE14)** The rule imposes a substantial burden on industry, especially for marginal well production in energy-rich states like New Mexico, particularly the requirements that are set to become effective on January 17, 2018.
 - Action: [Secretarial Order 3349: American Energy Independence](#) put the rules under review for subsequent action by the Department. On October 5, 2017, the BLM issued a proposed rule to temporarily suspend certain requirements of the rule. The BLM is also actively reviewing the underlying regulation for potential revision.
- **Unnecessarily lengthy NEPA reviews delay projects** The NEPA process has added extra time and analysis to project completion, which adds to uncertainty for industry and higher costs for taxpayers. This is particularly true for Departmental actions that impact

energy and infrastructure projects, such as resource management planning, permitting, and issuance of rights-of-way for pipeline projects and electricity transmission.

- Actions: The Department has identified a number of rules and regulations to revise or rescind such as the Master Leasing Plans, the NEPA Compliance for Oil and Gas Lease Reinstatement Petitions, and the Sage-Grouse Resource Management Plans. In addition, the Deputy Secretary issued an August memo setting a deadline of one year and limiting EIS statements to 150 pages or 300 pages for unusually complex projects.

- **Holding energy producers hostage via Compensatory Mitigation (Secretarial Order 3330)** Current compensatory mitigation policies have reduced predictability, created conflicts, and unnecessarily increased permitting/authorization timelines. Additionally, industry stakeholders believe the mitigation planning goal exceeds statutory authority. Currently, Interior and its bureaus lack a consistent terminology and framework for mitigation.

- Action: Secretarial Order 3349: American Energy Independence reexamined the use of mitigation policies and practices in order to better balance conservation strategies and job creation. Bureaus at the Interior will review various handbooks and manuals on the use of mitigation for energy and infrastructure projects.

- **Systematic delays in the leasing program and permitting process** The long period from when acreage is first nominated to when those acres are offered at a lease sale, as well as delays between the lease sale date and when leases are awarded reduces industry certainty and hinders states from receiving their share of lease sale revenues. These delays have rendered industry less able to plan for and execute exploration and production strategies in a timely fashion, and less able to respond effectively to changing market conditions.

- Action: Secretarial Order 3354 Supporting and Improving the Federal Onshore Oil and Gas Leasing Program and Federal Solid Mineral Leasing Program. In January 2017 there were 92 vacancies in key positions related to the permitting process. Since that time this administration has filled nearly half of those positions. The BLM is also modernizing the software used to track and coordinate permitting while seeking to add regional teams that will be able to greatly streamline the permitting process. So far this year the BLM has decreased their processing time for APDs by an average of 46 days.

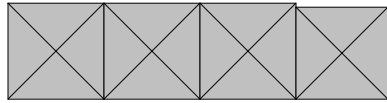
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- Action: Secretarial Order 3353: Greater Sage-Grouse Conservation and Cooperation with Western States Work with the Western Governors Association and other local partners to develop recommendations to improve the application of the ESA. Launch a review of ESA regulations and policy documents regarding outdated, unnecessary, ineffective, and inconsistently aligned with Executive and Secretarial Orders.

The report also detailed extensive action taken to advance American Energy Dominance at the Department of the Interior, including, but not limited to:

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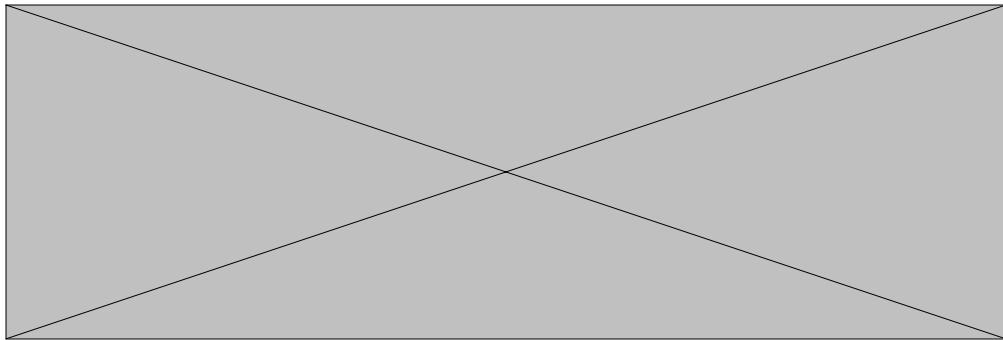
###



To: Funes, Jason[jason_funes@ios.doi.gov]; Grant Kidwell[GKidwell@afphq.org]
From: Chrissy Harbin
Sent: 2017-10-25T15:14:09-04:00
Importance: Normal
Subject: Re: Department of the Interior Releases Energy Burdens Report: TEST
Received: 2017-10-25T15:14:41-04:00

Many thanks!

From: "Funes, Jason" <jason_funes@ios.doi.gov>
Date: Wednesday, October 25, 2017 at 2:32 PM
To: Chrissy Harbin <CCharbin@afphq.org>, Grant Kidwell <GKidwell@afphq.org>
Subject: Fwd: Department of the Interior Releases Energy Burdens Report: TEST



Date: October 25, 2017
Contact: Interior_Press@ios.doi.gov

Department of the Interior Releases Energy Burdens Report

Outlines Trump Administration's bold approach to achieving American energy dominance

WASHINGTON – U.S. Secretary Today, the U.S. Department of the Interior released the "Review of the Department of the Interior Actions that Potentially Burden Domestic Energy" report which was produced in response to Executive Order 13783. The report identified agency actions that potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear energy resources. Interior oversees America's oil, gas, coal, hydropower, and renewable energy resources produced on federal lands and waters, which account for almost one-fifth of the Nation's energy and generate on average \$10 billion per year in annual revenue.

"Developing our energy resources to grow our economy and protecting the environment are not mutually exclusive. However, while conducting the review outlined in the Executive Order, we found that several costly and burdensome regulations from the past threaten that balance by hampering the production or transmission of our domestic energy," **said Secretary of the Interior Ryan Zinke**. "Our public lands are meant to be managed for the benefit of the

people. That means a multiple-use approach where appropriate and making sure that multiple-use includes energy development under reasonable regulations. Following President Trump's leadership, Interior is fostering domestic energy production by streamlining permitting and revising and repealing Obama-era job killing regulations – all while doing so in an environmentally responsible way.”

“The federal government can and must be a better business partner,” **Vincent DeVito, Counselor to the Secretary for Energy Policy, said.** “Secretary Zinke’s bold approach to achieving American energy dominance is making our nation freer, more secure, and more prosperous. Regulations should not unnecessarily burden energy production, but that is what occurs in many cases. The recent actions outlined in this energy report show how Interior is rolling back some of these burdensome regulations that add little or no value, while promoting responsible energy development.”

The report identified a number of burdens that specifically impede the production and transportation of energy resources, including, but not limited to:

- **Obama-Era 5-Year Program** Under the last Administration, 94% of the Outer Continental Shelf (OCS) was put off-limits from leasing, having an adverse effect on jobs and energy dominance, while drastically reducing access to future revenue.
 - Trump Administration Action: [Secretarial Order 3350, America-First Offshore Energy Strategy](#) started the process of developing a new 5-Year Program to responsibly develop the OCS and generate much-needed revenue.
- **Federal Coal Leasing Moratorium (Secretarial Order 3338, Discretionary Programmatic Environmental Impact Statement to Modernize the Federal Coal Program)** Nearly 40% of our nation's coal comes from public lands. The 2016 coal moratorium undermines American energy security, inhibits job creation, and reduces revenues to state and local governments.
 - Action: [Secretarial Order 3348, Concerning the Federal Coal Moratorium](#) repealed the Obama-era moratorium on new federal coal leases.
- **Hydraulic Fracturing on Federal and Indian Lands Rule (RIN 1004-AE26)** The compliance costs of the existing 2015 rule on hydraulic fracturing are not justified. All 32 states with federal oil and gas leases and some tribes currently have laws or regulations that address hydraulic fracturing operations.
 - Action: [Secretarial Order 3349: American Energy Independence](#) put the rule under review. The BLM published a rulemaking to rescind the rule on July 25th.
- **Waste Prevention, Production Subject to Royalties, and Resource**

Conservation AKA the Venting and Flaring Rule (RIN 1004-AE14) The rule imposes a substantial burden on industry, especially for marginal well production in energy-rich states like New Mexico, particularly the requirements that are set to become effective on January 17, 2018.

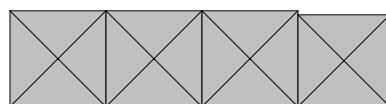
- Action: Secretarial Order 3349: American Energy Independence put the rules under review for subsequent action by the Department. On October 5, 2017, the BLM issued a proposed rule to temporarily suspend certain requirements of the rule. The BLM is also actively reviewing the underlying regulation for potential revision.
- **Unnecessarily lengthy NEPA reviews delay projects** The NEPA process has added extra time and analysis to project completion, which adds to uncertainty for industry and higher costs for taxpayers. This is particularly true for Departmental actions that impact energy and infrastructure projects, such as resource management planning, permitting, and issuance of rights-of-way for pipeline projects and electricity transmission.
 - Actions: The Department has identified a number of rules and regulations to revise or rescind such as the Master Leasing Plans, the NEPA Compliance for Oil and Gas Lease Reinstatement Petitions, and the Sage-Grouse Resource Management Plans. In addition, the Deputy Secretary issued an August memo setting a deadline of one year and limiting EIS statements to 150 pages or 300 pages for unusually complex projects.
- **Holding energy producers hostage via Compensatory Mitigation (Secretarial Order 3330)** Current compensatory mitigation policies have reduced predictability, created conflicts, and unnecessarily increased permitting/authorization timelines. Additionally, industry stakeholders believe the mitigation planning goal exceeds statutory authority. Currently, Interior and its bureaus lack a consistent terminology and framework for mitigation.
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###



To: Chrissy Harbin[CHarbin@afphq.org]
From: Funes, Jason
Sent: 2017-10-25T15:17:03-04:00
Importance: Normal
Subject: Re: Department of the Interior Releases Energy Burdens Report: TEST
Received: 2017-10-25T15:17:39-04:00

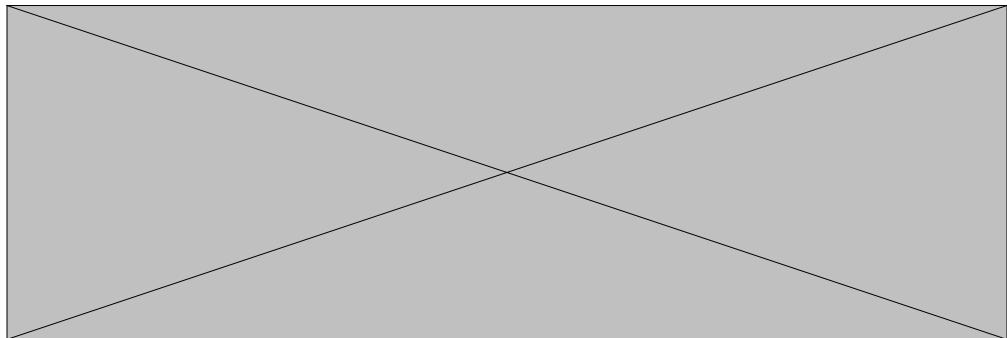
The latest email with the attachment has the real meat and potatoes; the news release is just the sign that says the restaurant is open :)

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
Office: (202) 208-5541

On Wed, Oct 25, 2017 at 3:14 PM, Chrissy Harbin <CHarbin@afphq.org> wrote:

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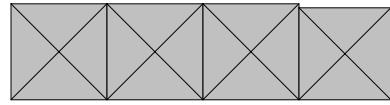
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###



Cc: Anthony Livanios[livanios@usenergystream.com]; Allan Brown[allanbrown@starpower.net]; Robert D. Thompson[(b)(6)]; Daren Bakst[daren.bakst@heritage.org]; Brent Mead[(b)(6)]; Jennifer Butler[butler@spn.org]; ckitchens@rstreet.org[ckitchens@rstreet.org]; Parker Jeppesen[parker.jeppesen@strata.org]; Aaron Schutt[schutta@doyon.com]; Amos Eno[aeno@landcan.org]; Amy Cooke[amy@i2i.org]; Amy Sovocool[amy@conservationlegacy.org]; Andrew Nehring[anehring@spgdc.com]; Anne Mitchell[mainewoodscoalition@gmail.com]; Ashlee Lundvall[ashlee@ashleelundvall.com]; Ashley Varner[avarner@alec.org]; Barry Worthington[bworthington@usea.org]; Bartlett Cleland[bcleland@alec.org]; Benjamin Nasta[bnasta@funoutdoors.com]; Benjamin Zycher[Benjamin.Zycher@aei.org]; Bob Carlstrom[bob@carlstromgroup.com]; Brandon Arnold[barnold@ntu.org]; Brent Fewell[brent.fewell@earthandwatergroup.com]; Brett Healy[bhealy@maciverinstitute.com]; Brian Seasholes[(b)(6)]; Bruce Courtright[bcourtright@sisqtel.net]; Camille Ferguson[aianta.director@gmail.com]; Candice Boyer[cboyer@atr.org]; Caren Cowan[nmcga@nmagriculture.org]; Carrie Annand[carrie@usabiomass.org]; Caudill, Brian[bcaudill@aga.org]; Charles Cunningham[ccunningham@secureenergy.org]; Charles Hernick[chernick@citizensfor.com]; Charles Herring[charles@oann.com]; Charlie Riedl[charlie.riedl@ngsa.org]; Chris Edmonston[CEdmonston@boatus.com]; Chrissy Harbin[charbin@afphq.org]; Christine Hall[christine.hall@cei.org]; Christopher Krueger[cjk@nei.org]; Chuck DeVore[cdevore@texaspolicy.com]; Daniel Peterson[dpeterson@jamesmadison.org]; David Brown[dbrown@americaoutdoors.org]; David Holt[dholt@hbwresources.com]; David Stevenson[(b)(6)]; David Tenny[dtenny@nafoalliance.org]; David Wetmore[dwetmore@carpilay.com]; David Zayas (NHA)[David@hydro.org]; Derrick Crandall[dcrandall@funoutdoors.com]; Derrick Hollie[dhollie@reachingamerica.org]; Dipka Bhamhani[dbhamhani@usea.org]; Ed Tillett[etillett@waterwayguide.com]; Eli Lehrer[elehrer@rstreet.org]; Elizabeth Wright[ewright@cagw.org]; Ellen Hopkins[ehopkins@nmma.org]; Eric Carleson[ecarleson@calog.com]; Erica Crocker[ecrocker@nmma.org]; Erik Milito[militoe@api.org]; Ethan Lane[elane@beef.org]; Eunie Smith[alaeagle@charter.net]; Forest Thigpen[thigpen@mspolicy.org]; Fred Birnbaum[fred@idahofreedom.net]; Gaddi Vasquez[gaddi.vasquez@edisonintl.com]; Grant Kidwell[gkidwell@afphq.org]; Greg Walcher[(b)(6)]; Hannah Downey[hannah@perc.org]; Harbert, Karen[kharbert@uschamber.com]; Heather Reams[hreams@citizensfor.com]; Iain Murray[iain.murray@cei.org]; Jami Bayles[(b)(6)]; Jason Burwen[j.burwen@energystorage.org]; Jean Gould[jgould@pesa.org]; Jeff Leahey[jeff@hydro.org]; Jennifer Fielder[jennifer@americanlands council.org]; Jim Presswood[jpresswood@esalliance.org]; John Hines[john.hines@oann.com]; John Nelson[john@schoeningstrategies.com]; Jon Russell[jrussell@alec.org]; Jonathan Haines[jonathan@sparkfreedom.org]; Jonathan Williams[jwilliams@alec.org]; Judd Swift[jswift@synfuelsus.com]; Justin Sykes[JSykes@afpm.org]; Karla Jones[kjones@alec.org]; Katherine Telford[katherine.telford@aei.org]; Katie Kerschner[kkerschner@texaspolicy.com]; Katie Tubb[katie.tubb@heritage.org]; Ken Cuccinelli[(b)(6)]; Kim Husky[kim@clamandoyster.com]; Larry Alexander[lalexander@sisqtel.net]; Linda Yasinsac[lyasinsac@60plus.org]; Luke Popovich[lpopovich@nma.org]; Lyle Laverty[Lyle@thelavertygroup.com]; Lynn Abramson[labramson@cebn.org]; Manuel Rosales[mrosales@thelatinocoalition.com]; Marcus Nichol[mrn@nei.org]; Mark Truax[truax@pacwestcom.com]; Matthew Anderson[Matt@sifreedom.org]; Megan Ingram[mingram@texaspolicy.com]; Michael Bowman[mbowman@alec.org]; Michael Rains[(b)(6)]; Michael Whatley[MWhatley@hbwresources.com]; Michi Iljazi[michi@conservative.org]; Mike Thompson[(b)(6)]; Myron Ebell[myron.ebell@cei.org]; Naughton, Janet[Janet.Naughton@heritage.org]; Nick Loris[nick.loris@heritage.org]; Nick Murray[nmurray@mainedpolicy.org]; Pam Borda[pam@nnrda.com]; Patrick Hedger[phedger@freedomworks.org]; Paul Blair[pblair@atr.org]; Paul Phillips[Phillips@pacwestcom.com]; Randy Parker[randy.parker@fbfs.org]; Ray Haupt[rhaupt@sisqtel.net]; Richard Lunam[richard.lunam@conocophillips.com]; Rob Sisson[rsisson@conservamerica.org]; Robert Henneke[rhenneke@texaspolicy.com]; Ron Wilson[rwilson@doyondrilling.com]; Sal Nuzzo[snuzzo@jamesmadison.org]; Sarah Gainer[sarah.gainer@chk.com]; Sarah Hunt[shunt@alec.org]; Scott Walter[swalter@capitalresearch.org];

Shawn Regan[shawn@perc.org]; Shoshanna Weissman[sweissmann@rstreet.org]; Spencer Chretien[schretien@cagw.org]; Stan Summers[(b)(6)]; Suzanne Swink[suzanne.swink@bp.com]; Tabitha Walter[Tabitha@eagleforum.org]; Taylor Barkley[taylor.barkley@cei.org]; Teresa Imm[timm@asrc.com]; Thomas Pyle[tpyle@energydc.org]; Thomas Schatz[tschatz@cagw.org]; Todd Gaziano[TGaziano@pacificlegal.org]; Todd Myers[tmyers@washingtonpolicy.org]; Tracee Bentley[bentleyt@api.org]; Verma, Puneet (puve)[pverma@chevron.com]; Vicki Dixon[victoriadix@yahoo.com]; Wayne Brough[wbrough@freedomworks.org]; Wendy Shepherd[wshepherd@synfuelsus.com]; Wilhelm Meierling[wmeierling@alec.org]; William Derr[billecfm@me.com]; Adrian Moore[adrian.moore@reason.org]; Alan Smith[asmith@rstreet.org]; Bette Grande[bette@bettegrande.com]; Boyd Matheson[Boyd@sifreedom.org]; Brent Gardner[bgardner@afphq.org]; Brian Balfour[brian.balfour@nccivitas.org]; Brydon Ross[BRoss@hbwresources.com]; Cameron Smith[csmith@rstreet.org]; Carli Dimino[cdimino@thelibreinitiative.com]; Carli Graham[cgraham@sutherlandinstitute.org]; Charles Rigler[cprigler@yahoo.com]; Christian Robey[crobery@mrc.org]; Clint Woods[(b)(6)]; Craig Richardson[richardson@eelegal.org]; David Kreautzer[david.kreutzer@heritage.org]; David Williams[davidwilliams@protectingtaxpayers.org]; Francis Deluca[francis.deluca@nccivitas.org]; Gregg Keller[gregg@atlasstrategygroup.com]; Grover Norquist[gnorquist@atr.org]; Isaac Orr[lorr@heartland.org]; James Franko[james.franko@kansaspolicy.org]; James Taylor[JTaylor@sparkoffreedomfoundation.org]; James Voyles[JVoyles@hbwresources.com]; Janine Hansen[director@nevadafamilies.org]; Jim Tynen[jim.tynen@nccivitas.org]; John Broughel[jbroughel@mercatus.gmu.edu]; John Nothdruft[john@heartlandinstitute.org]; Jon Sanders[jsanders@johnlocke.org]; Jonathan Shuffield[jshuffield@naco.org]; Jonathan Small[jonathan@ocpathink.org]; Jorge Lima[jliima@thelibreinitiative.com]; Josiah Neeley[jneeley@rstreet.org]; Julia Seymour[jseymour@mrc.org]; Julian Morris[julian.morris@reason.org]; Karen Lugo[klugo@texaspolicy.com]; Kathleen O'Hearn[ohearn@spn.org]; Kathleen Sgamma[ksgamma@westernenergyalliance.org]; Kathy McDonald[(b)(6)]; Katrina Currie[kmc@commonwealthfoundation.org]; Ken Green[ken.green@fraserinstitute.org]; Kenneth Artz[(b)(6)]; Kim Crockett[kim.crockett@americanexperiment.org]; Lindsey Burke[lindsey.burke@heritage.org]; Lisa Nelson[lnelson@alec.org]; Logan Pike[lpike@heartland.org]; M Glans[mglans@heartland.org]; Mac Zimmerman[mzimmerman@afphq.org]; Marc Morano[morano@climatedepot.com]; Margo Thorning[mthorning@accf.org]; Marlo Lewis[marlo.lewis@cei.org]; Martha Boneta[info@ctfr.org]; Nicole Kaeding[nkaeding@cato.org]; Patrick Gleason[pgleason@atr.org]; Paul Bachman[pbachman@beaconhill.org]; Paul Driessen[(b)(6)]; Paul Gessing[pgessing@riograndefoundation.org]; Peter Nelson[peter.nelson@americanexperiment.org]; Phil Kerpen[phil@americancommitment.org]; Pinar Cebi[pcebi@accf.org]; Rachel Kopec[(b)(6)]; Rebecca Bowen[rbowen@mercatus.gmu.edu]; Rich Powell[powell@clearpath.org]; Robert Bradley[rbradley@iertx.org]; Robert Bryce[robert@robertbryce.com]; Spencer Nelson[nelson@clearpath.org]; Sterling Burnett[hsburnett@heartland.org]; Steve Pociask[steve@theamericanconsumer.org]; Tim Phillips[TPhillips@afphq.org]; Todd Davidson[davidson@spn.org]; Tom Clougherty[tom.clougherty@reason.org]; William Murray[wmurray@rstreet.org]; William Yeatman[wyeatman@cei.org]; cmyers@mercatus.gmu.edu[cmyers@mercatus.gmu.edu]; coakley[(b)(6)]

From: Funes, Jason
Sent: 2017-11-01T15:30:53-04:00

Importance: Normal

Subject: Energy Report From the Department of the Interior - Link For Public Comments

Received: 2017-11-01T15:40:28-04:00

Review of the Department of the Interior Actions that Potentially Burden Domestic Energy.pdf

Greetings To All,

There are a few new people added to this list, some I haven't personally spoken with but thanks to our new director Todd Wynn, I will add you to my press release list and we will be in contact shortly.

I am attaching a copy of the final DOI report "Review of the Department of the Interior Actions that Potentially Burden Domestic Energy."

This was sent to OMB and made public last week, in compliance with implementation of EO 13789 "Promoting Energy Independence and Economic Growth."

Extremely detailed information is in this document, so read carefully and pass it along to your policy analysts for further review.

Below is a link to our website where you can submit comments regarding regulations that may or may not be included in this report. It is okay to submit comments for more than one of the DOI Bureaus.

<https://www.doi.gov/regulatory-reform/implement>

(This website for comments is regarding ANY issues DOI oversees and it is not limited to energy issues only)

By responsibly reforming regulations, assisted by your comments, we will help make American energy dominance a reality.

Please call or email me for more information.

MAGA,

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DEPARTMENT OF THE INTERIOR

Final Report:

Review of the Department of the Interior Actions
that Potentially Burden Domestic Energy

October 24, 2017

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Report of the Secretary of the Interior
Final Report: Review of the Department of the Interior Actions that Potentially Burden
Domestic Energy

I. Purpose of this Report

“Energy is an essential part of American life and a staple of the world economy. Achieving American energy dominance begins with recognizing that we have vast untapped domestic energy reserves. For too long America has been held back by burdensome regulations on our energy industry. The Department is committed to an America-first energy strategy that lowers costs for hardworking Americans and maximizes the use of American resources, freeing us from dependence on foreign oil.”

Secretary Zinke, May 1, 2017, Secretarial Order 3351 Strengthening the Department of the Interior’s Energy Portfolio

This final report describes the Department of the Interior’s (Interior or Department) progress in implementing Executive Order (EO) 13783, *Promoting Energy Independence and Economic Growth*, dated March 28, 2017. EO13783 requires the head of each agency to carry out a review of all agency actions that potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear energy resources. *See* EO13783, section 2(a). On May 8, 2017, the Office of Management and Budget (OMB) issued guidance to agencies on the contents of a draft report. *See* OMB Guidance M-17-24 (May 8, 2017). The Secretary of the Interior (Secretary) has aggressively pursued a comprehensive review of Interior’s energy activities and this final report details the results of this review.

II. Interior’s Role in Domestic Energy Production, Development, and Use

Interior is the steward and manager of America’s natural resources, including oil, gas, coal, hydropower, and renewable energy resources. Interior manages lands, subsurface rights, and offshore areas that produce approximately 19 percent of the Nation’s energy. Energy development on public lands increases domestic energy production, provides alternatives to overseas energy resources, creates jobs, and enhances the Nation’s energy security. The Office of Natural Resources Revenue (ONRR) collects an average of over \$10 billion annual revenue from onshore and offshore energy production, one of the Federal Government’s largest sources of non-tax revenue.

Nine of Interior's bureaus have energy programs and responsibilities:

- The Bureau of Land Management (BLM) administers onshore energy and subsurface minerals on certain public lands.
- The Office of Surface Mining Reclamation and Enforcement (OSMRE) works with states and tribes to oversee environmentally sound coal mining operations;
- The Bureau of Ocean Energy Management (BOEM) oversees offshore oil, gas, and wind development.
- The Bureau of Safety and Environmental Enforcement (BSEE) is the lead Federal agency charged with improving safety and ensuring environmental protection related to the offshore energy industry, primarily oil and natural gas, on the U.S. Outer Continental Shelf (OCS).
- The Bureau of Reclamation (BOR) is the second largest producer of hydroelectric power in the United States, generating over 40 million megawatt-hours of electricity each year;
- The Bureau of Indian Affairs (BIA) oversees leasing of tribal and Indian land for energy development.
- The Office of Natural Resources Revenue (ONRR) collects revenue from energy production and development.
- The United States Geological Survey (USGS) conducts research and assessments on the location, quantity, and quality of energy resources, including the economic and environmental effects of resource extraction and use.

The U.S. Fish and Wildlife Service (FWS) and National Park Service (NPS), while not directly involved in the production or development of energy as part of their missions, may have Federal or non-Federal oil and gas or mineral inholdings. These agencies also manage lands and trails through which important energy-related infrastructure may pass in order to bring affordable energy to American families throughout our country. These agencies therefore have the ability to reduce potential burdens on domestic energy production, development, or transmission.

III. Immediate Action – Secretarial Orders

When the United States is a leader in developing its energy resources, it is less dependent on other nations, leading to a stronger America. Interior is committed to an America-First energy strategy that fosters domestic energy production in order to keep energy prices low for American families, businesses, and manufacturers. Every drop of oil, Mcf of natural gas or MW of offshore wind energy produced here in the U.S. benefits the American workers employed in those operations and also frees us from dependence on foreign energy resources. Beyond enhancing America's energy security, low cost energy benefits the American consumer and enhances American manufacturing competitiveness, making American businesses more competitive globally. Secretary Zinke recognizes that development of energy resources on public lands increases the Nation's domestic energy supply, provides alternatives to overseas energy resources, generates revenue, creates jobs, and enhances national security. Eliminating harmful regulations and unnecessary policies will require a sustained and focused effort. That said, the Department will strike the appropriate balance in order to make use of our Nation's domestic resource wealth while also ensuring careful attention to safe and environmentally responsible operations both onshore and offshore, and promoting conservation stewardship.

Secretary Zinke has issued seven Secretarial Orders to improve domestic onshore and offshore energy production that further these principles. To ensure energy policies receive the highest level attention across Interior, the Secretary established the Counselor to the Secretary for Energy Policy position to coordinate the energy policy of Interior, including, but not limited to, promoting responsible development of energy on public lands managed and administered by Interior, developing strategies to eliminate or minimize regulatory burdens that unnecessarily encumber energy, and promoting efficient and effective processing of energy-related authorizations, permits, regulations, and agreements. *See Secretarial Order 3351, “Strengthening the Department of the Interior’s Energy Portfolio” (May 1, 2017).* Establishing this position that reports directly to the Secretary assures that developing America’s energy resources in a responsible way to create jobs and enhance the energy security of the United States will remain a central priority. The remaining six Secretarial orders are:

- Secretarial Order 3348 – Concerning the Federal Coal Moratorium;
- Secretarial Order 3349 – American Energy Independence;
- Secretarial Order 3350 – America-First Offshore Energy Strategy;
- Secretarial Order 3352 – National Petroleum Reserve – Alaska;
- Secretarial Order 3353 – Greater Sage-Grouse Conservation and Cooperation with Western States; and
- Secretarial Order 3354 – Supporting and Improving the Federal Onshore Oil and Gas Leasing Program and Federal Solid Mineral Leasing Program.

These Orders direct Interior bureaus and offices to take immediate and specific actions to identify and alleviate or eliminate burdens on domestic energy development. Within this framework, bureaus have identified actions and, in some cases, already made progress in alleviating or eliminating the energy burdens.

A. Secretary Order 3348 – Concerning the Federal Coal Moratorium

One of Secretary Zinke’s first acts was to sign Secretarial Order 3348, “Concerning the Federal Coal Moratorium” (March 29, 2017), which removed the moratorium on the Federal coal leasing program by revoking a prior Secretarial Order (Secretarial Order 3338, “Discretionary Programmatic Environmental Impact Statement to Modernize the Federal Coal Program”). Secretarial Order 3348 promotes American energy security, job creation, and proper conservation stewardship. It directs BLM to process coal lease applications and modifications expeditiously and directs Interior bureaus and offices to make appropriate changes to policy and guidance documents to further President Donald Trump’s policy of promoting American energy independence and economic growth. (See further discussion below at IV.x and E.)

In addition to lifting the coal moratorium, Secretary Zinke took other actions to advance American energy independence. In announcing these actions he said, “Today I signed a series of directives to put America on track to achieve the President’s vision for energy independence and bringing jobs back to communities across the country.” These directives foster responsible development of coal, oil, gas, and renewable energy on Federal and tribal lands and initiate review of agency actions directed by EO13783.

B. Secretarial Order 3349 – American Energy Independence

The most overarching Secretarial Order reducing burdens on energy development is Secretarial Order 3349, “American Energy Independence” (March 29, 2017), which directed bureaus to examine specific actions impacting oil and gas development, and any other actions affecting other energy development. It revoked Secretarial Order 3330, “Improving Mitigation Policies and Practices of the Department of the Interior,” and directed bureaus and offices to review all actions taken pursuant to that Order for possible reconsideration, modification, or rescission. It also directed each bureau and office to review actions taken regarding rescinded Executive Orders related to climate change. Further, it directed the review of the following specific actions impacting energy development:

- BLM Hydraulic Fracturing Rule (RIN 1004–AE26) (see discussion below under IV.A.i.);
- BLM Waste Prevention, Production Subject to Royalties, and Resource Conservation Rule (RIN 1004–AE14) (see discussion below under IV.A.ii);
- NPS Non-Federal Oil and Gas Rights Rule (RIN 1024–AD78); and
- FWS National Wildlife Refuge System; Management of Non-Federal Oil and Gas Rights (RIN 1018–AX36) (see discussion below under IV.F.).

C. Secretarial Order 3350 – America-First Offshore Energy Strategy

This Order enhances opportunities for energy exploration, leasing, conservation stewardship, and development on the Outer Continental Shelf (OCS), thereby providing jobs, energy security, and revenue for the American people by reinitiating the five-year planning process. Among other actions, it directed the review of the following regulatory actions that impact offshore energy development:

- BOEM Notice to Lessees (NTL) No. 2016-N01 entitled, “Notice to Lessees and Operators of Federal Oil and Gas, and Sulfur Leases, and Holders of Pipeline Right-of-Way and Right-of-Use and Easement Grants in the Outer Continental Shelf”;
- BOEM Offshore Air Quality Control, Reporting, and Compliance Rule (RIN 1010–AD82);
- BSEE Oil and Gas and Sulfur Operations in the Outer Continental Shelf-Blowout Preventer Systems and Well Control (RIN 1014-AA11); and
- BOEM and BSEE Oil and Gas and Sulfur Operations on the Outer Continental Shelf— Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf Rule (RIN 1082-AA00).

D. Secretarial Order 3352 – National Petroleum Reserve – Alaska

This Order provides for clean and safe development of oil and gas resources in the National Petroleum Reserve in Alaska, recognizing that prudent development of these resources is essential to ensuring the Nation’s geopolitical security. (See discussion below at IV.J.)

E. Secretarial Order 3353 – Greater Sage-Grouse Conservation and Cooperation with Western States

Sage-grouse protections can affect energy development because these activities often share the same land across the 11 western states and 67 million acres of Federal land that are affected by sage grouse habitat. This Order establishes a Sage-Grouse Review Team that includes representatives from the BLM, FWS, and U.S. Geological Survey (USGS) to review the 2015 Sage-Grouse Plans and associated policies, giving appropriate weight to the value of energy and other development on public lands within BLM’s overall multiple-use mission and to be consistent with the policy set forth in Secretarial Order 3349, “American Energy Independence.” (See discussion below at IV.A.vii.)

F. Secretarial Order 3354 – Supporting and Improving the Federal Onshore Oil and Gas Leasing Program and Federal Solid Mineral Leasing Program

This Order intends to ensure that quarterly oil and gas lease sales are consistently held and to identify ways to promote the exploration and development of Federal onshore oil and gas and solid mineral resources, including improving quarterly lease sales, enhancing the Federal onshore solid mineral leasing program, and improving the permitting processes. See discussion below at IV.A.

Details of progress in accordance with the aforementioned Executive and Secretarial Orders are described below, as well as relevant proposed actions that are currently under review. Prior to reaching a final determination regarding any proposed action, Interior may be required to comply with the notice and comment requirements of the Administrative Procedure Act or other laws and regulations, and will weigh the results of such procedures accordingly in its decisionmaking process.

IV. Results of Interior’s Review of Potentially Energy-Burdening Actions

A. Bureau of Land Management

The Bureau of Land Management administers more land than any other Federal agency, consisting of more than 245 million surface acres and 700 million acres of subsurface mineral development. In response to EO13783 and Secretarial Orders 3348, 3349, and 3354, BLM is revising and reforming its leasing processes, improving the Coal Management Program, and delaying, revising, or rescinding burdensome regulations and policies to improve domestic energy production and support jobs.

Below is a list of specific actions BLM is undertaking to reduce burdens on the production of energy on BLM managed resources.

i. *Review of the Hydraulic Fracturing rule*

Executive Order 13783 required Interior to review the final rule entitled, “Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands,” 80 FR 16128 (Mar. 26, 2015). Secretarial Order 3349 directed BLM to undertake that review. On July 25, 2017, BLM published a proposed rule to rescind the 2015 hydraulic fracturing rule because the compliance costs of the existing 2015 rule are not justified (82 FR 34464). All 32 states with Federal oil and gas leases and some tribes currently have laws or regulations that address hydraulic fracturing operations. Thus, rescinding the rule has the potential to reduce regulatory burdens by enabling oil and gas operations to occur under one set of regulations within each state or tribal lands, rather than two. Rescinding this rule may result in additional interest in oil and gas development on public lands, especially under higher commodity prices.

Interior has identified this proposed rescission as a deregulatory action under EO13771.

ii. *Temporarily Suspend or Postpone Certain Requirements and Review to Rescind or Revise the Venting and Flaring Rule*

Executive Order 13783 required Interior to review the final rule entitled, “Oil and Gas; Waste Prevention, Production Subject to Royalties, and Resource Conservation,” 81 FR 83008 (Nov. 18, 2016), also known as the “Venting and Flaring” rule. Secretarial Order 3349 ordered BLM to review the rule and report to the Assistant Secretary – Land and Minerals Management on whether the rule is fully consistent with the policy expressed in EO13783.

The BLM conducted an initial review of the rule and found that it was inconsistent with the policy stated in EO13783 that “it is in the national interest to promote clean and safe development of our nation’s vast energy resources, while at the same time avoiding regulatory burdens that unnecessarily encumber energy production, constrain economic growth, and prevent job creation.” The BLM recognizes that the 2016 final rule poses a substantial burden on industry, particularly those requirements that are set to become effective on January 17, 2018. The BLM issued a proposed rule that was published in the Federal Register on October 5, 2017, seeking comment on temporarily suspending or delaying certain requirements until January 17, 2019, to reduce the regulatory burden on the energy industry. This will provide industry additional time to plan for and engineer responsive infrastructure modifications that will comply with the regulation.

If finalized, the revised regulation will provide significant additional phase-in time to oil and gas operators.

The BLM intends to work with industry to develop metrics, including key timelines or benchmarks, and the reduction of flaring from Federal and Indian lands over time.

Following up on its initial review, BLM has reviewed the 2016 final rule in accordance with the policies set forth in EO13783. The BLM is currently drafting a proposed rule that would eliminate overlap with the Environmental Protection Agency’s (EPA) Clean

Air Act authorities while also clarifying regulatory provisions related to the beneficial use of gas on Federal and Indian lands.

The BLM has identified the delay of effective date rulemaking as a deregulatory action under EO13771.

iii. Revise Oil and Gas; Onshore Orders Nos. 3, 4 and 5

The burdens placed on industry through these 3 new regulations are being reviewed as directed under EO13783. These 3 rulemakings, which were promulgated and issued concurrently, updated and replaced BLM's Onshore Orders for site security, oil measurement, and gas measurement regulations, respectively, that had been in place since 1989. They are codified in the Code of Federal Regulations at 43 CFR parts 3173, 3174, and 3175. External and internal oversight reviews prompted these rulemakings and found that many of BLM's production measurement and accountability policies were outdated and inconsistently applied. The new rules also address some of the Government Accountability Office (GAO) concerns for high risk with regard to Interior's production accountability. These 3 regulations impose new cost burdens on operators as a result of oil and gas facility infrastructure changes. The cost estimates for each individual rule are as follows:

- Order 3, Site Security: \$31.2 million in one-time costs, plus an \$11.7 million increase in annual operating costs;
- Order 4, Oil Measurement: \$3.3 million in one-time costs, plus a \$4.6 million increase in annual operating costs; and
- Order 5, Gas Measurement: \$23.3 million one-time cost, plus \$12.1 million increase in annual operating costs.

The new regulations also provide a process for approving new technology that meets defined performance goals. Some provisions of the rule may have added regulatory burdens that unnecessarily encumber energy production, constrain economic growth, and prevent job creation.

The BLM is currently assessing the rules to determine 1) if additional revisions are needed beyond the already-implemented phase-in period for certain provisions, 2) the ability for industry to introduce new technologies through a defined process, rather than through an exception request, and 3) the built-in waivers or variances. The BLM expects to complete its assessment of possible changes to alleviate burdens that may have added to constraints on energy production, economic growth and job creation by the end of the fourth quarter of FY 2017.

The new regulations have built in necessary waivers or variances. The BLM's establishment of a phase-in period for the new site security and production measurement regulations is an interim measure. The BLM will measure success over the phase-in period in terms of the production measurements, royalties paid, a reduction in under-reporting of production, and greater site security for production facilities.

iv. Revise and Replace Policy, Oil and Gas; IM 2010-117, "Oil and Gas Leasing Reform – Land Use Planning and Lease Parcel Reviews"

This policy will be replaced with revised guidance for the purpose of establishing greater efficiencies in the oil and gas leasing process. Policy Instruction Memorandum (IM) 2010-117 established a process for leasing oil and gas resources on Federal lands. The BLM intended the IM to reduce the backlog of unissued leases. However, the IM has resulted in longer time frames in analyzing and responding to protests and appeals, as well as longer lead times for BLM to clear and make available parcels for oil and gas lease sales. It has also resulted in increased workload and staffing needs to conduct additional upfront environmental analysis.

The BLM has undertaken an effort to revise and reform its leasing policy and to streamline the leasing process from beginning (i.e. receipt of an Expression of Interest) to end (competitively offering the nominated acreage in a lease sale). Under existing policies and procedures, the process can take up to 16 months (and sometimes longer) from the time lands are nominated to the time a lease sale occurs. The BLM is examining ways to significantly reduce this time by as much as 8-10 months. The BLM plans to complete revisions to the leasing process in the first quarter of FY 2018.

A shorter period from nomination to sale will reduce the number of nominated acres awaiting competitive sale at any given time and will increase industry certainty regarding the acreage it holds. As a result, industry will be able to plan for and execute exploration and production strategies earlier, and respond more effectively to changing market conditions.

Reducing the average time from acreage nomination to lease sale will be BLM's measure of success. The BLM does not control what acreage industry nominates because market conditions can fluctuate dramatically; therefore, total nominated acreage awaiting sale is not likely to be a measure of success.

Until the policy revisions are completed, BLM is setting quarterly lease sale acreage targets to address the acreage currently nominated. The BLM is also identifying ways to augment staff support for potential sales in those offices with the greatest numbers of acres nominated.

v. Rescind Policy, Oil and Gas; IM 2013-101, "Oil and Gas Leasing Reform – Master Leasing Plans (MLPs)"

This policy announced the incorporation of Master Leasing Plans (MLPs) in the oil and gas leasing process, further explained in Chapter V of the BLM Handbook H-1624-1, entitled "Planning for Fluid Mineral Resources." The IM establishes a process for integrating an MLP into the land use planning process. The BLM has extended this IM several times while the BLM completes the public scoping and analysis for MLPs. An unintended consequence of this policy has been that many areas open to oil and gas leasing have been deferred from leasing while they await the completion of the MLP process.

The BLM has undertaken an effort to revise the leasing reform and MLP policy and to re-establish the BLM Resource Management Plans (RMPs) as the source of lands available for fluid minerals leasing. The BLM is currently evaluating existing MLP efforts with the goal of ending this approach. The BLM expects to rescind this IM and complete the

revision of the above BLM Handbook, as well as any other relevant BLM handbooks, in the first quarter of FY 2018.

Because this change will re-establish the RMP as the source of land allocation decisions for fluid minerals, it will result in more streamlined National Environmental Policy Act (NEPA) analysis and a shorter timeframe for acreage nominations to make it to a competitive lease sale. Since extra time and NEPA analysis adds to uncertainty for industry and use of taxpayer dollars by the Department, removing these process-related steps has the effect of decreasing uncertainty.

The primary measure of success in removing regulatory burden from the rescission of the MLP policy will be in the elimination of related nominated acreage sale deferral pending completion of MLP NEPA. While there will continue to be acreage sale deferrals for various reasons, completion of MLP NEPA will no longer be one of them. The time frames will be shorter.

vi. Revise Policy, Oil and Gas; IM 2013-177, “National Environmental Policy Act (NEPA) Compliance for Oil and Gas Lease Reinstatement Petitions”

This IM directs all BLM oil and gas leasing Field Offices to: 1) ensure RMP conformance; 2) evaluate the adequacy of existing NEPA analysis and documentation; and 3) complete any necessary new or supplemental NEPA analysis and documentation before approving a Class I or Class II oil and gas lease reinstatement petition. This IM has resulted in additional analysis and review time that often involves another surface management agency and, in some instances, has led to adding new lease stipulations prior to lease reinstatement.

Lease reinstatements were previously considered a ministerial matter, entailing a commensurate level of review and process to complete. However, IM 2013-177 changed that in significant ways, resulting in additional NEPA review and significantly greater timeframes for completing the reinstatement. Rescinding or modifying this policy will greatly reduce decisionmaking timeframes on lease reinstatement requests. The BLM expects to complete review of this policy in the first quarter of FY 2018 and promptly finalize by the second quarter.

The BLM expects that changes to this policy will refocus the emphasis back to existing NEPA analysis and information, which will significantly shorten the time it takes to consider and process a lease reinstatement request. The policy changes will provide greater certainty and reduced expense for energy development companies and result in production occurring sooner.

The BLM will measure the reduction in burden in terms of the average time it takes to consider a complete lease reinstatement request.

Similar to MLPs, in the interim, BLM must identify and evaluate the status of each current lease reinstatement request in order to determine whether and how to expedite review and processing. There are no other interim measures, waivers or variances that are relevant to the process.

vii. *Revise Policy, Oil and Gas: IM 2016-140, “Implementation of Greater Sage-grouse Resource Management Plan Revisions or Amendments – Oil & Gas Leasing and Development Sequential Prioritization”*

Policy IM 2016-140 is being reviewed for the purpose of enhancing consistency and certainty for oil and gas development in areas of sage-grouse habitat as directed by EO13783. This IM provides guidance on prioritizing implementation decisions for BLM oil and gas leasing and development, to be consistent with Approved Resource Management Plan Amendments for the Rocky Mountain and Great Basin Greater Sage-grouse Regions and nine Approved Resource Management Plans in the Rocky Mountain Greater Sage-grouse Region (collectively referred to as the Greater Sage-grouse Plans). The IM applies to activities in the areas covered by both the Rocky Mountain and Great Basin Regions Records of Decision, issued by BLM in September 2015, and also contains reporting requirements for communication between BLM State Offices and the Washington Office (WO). The IM may have added administrative burdens since it requires additional analysis and staff time to screen parcels and weigh potential impacts to the Greater Sage-grouse before the parcels are offered for leasing. It also requires additional analysis and staff time to process drilling permit approvals near Greater Sage-grouse areas.

The BLM’s effort to avoid listing of the sage-grouse as an endangered species has affected many programs and a large area geographically. With new technologies and capabilities, such as long-reach horizontal boreholes in the oil and gas industry, the impacts are not as significant as once perceived. Likewise, the administrative burden is better understood and is likely less than once thought. Efforts are underway to better understand these conditions and define ways in which energy production and sage-grouse protection may continue to co-exist. Greater consistency and predictability will provide greater stability for industry. The BLM is currently assessing the policy to determine what revisions are needed and expects to complete this review in the fourth quarter of FY 2017.

When the BLM completes this effort, industry will have greater certainty in leasing, exploration and production activities due to availability of acreage for oil and gas development and a defined process and timeframe for consideration of Greater Sage-grouse impacts.

The BLM will measure success by assessing changes in industry’s interest in nominating acreage for competitive sale and developing existing leases in areas affected by the Greater Sage-grouse amendments to RMPs. As industry increases its understanding and gains confidence in the consistency and predictability of BLM actions relative to Greater Sage-grouse, then acreage nominations, permit requests, and development should stabilize and be tied to market forces rather than tied to BLM Greater Sage-grouse decisions.

The BLM has been processing acreage nominations in Greater Sage-grouse areas and making them available for competitive sale. In addition, existing leases are being developed. This is evidence, in the interim, that both BLM and industry are developing innovative ways to adapt energy development in light of Greater Sage-grouse protections.

viii. Review of General Greater Sage-Grouse Conservation Policies and Plans

In September 2015, the BLM incorporated Greater Sage-grouse (GRSG) conservation measures into its land use plans within the range of the GRSG. In September 2016, the BLM issued a number of IMs to help guide the implementation of the GRSG plans. These GRSG plans and policies will affect where, when, and how energy and minerals are developed within the range of the GRSG.

Pursuant to Secretarial Order 3353, “Greater Sage-Grouse Conservation and Cooperation with Western States,” an Interior Sage-Grouse Review Team (Review Team) is working with the State-Federal Sage-Grouse Task Force to identify opportunities for greater collaboration, to better align Federal and State plans for the GRSG, to support local economies and jobs, and consider new and innovative ways to conserve GRSG in the long-term. Pursuant to the Secretarial Order, in August 2017, the Review Team submitted a report to the Secretary summarizing their review and providing recommendations regarding next steps.

The Review Team’s report identified a number of potential actions to enhance the coordination and integration of state and Federal GRSG conservation efforts.

Success will be measured and evaluated in terms of improved working relationships among local, state, tribal, and Federal units of Government and in terms of improved partner and stakeholder understanding of effective GRSG conservation measures and of the science underlying them.

The BLM anticipates that some of the actions outlined in the Review Team’s report to the Secretary could be implemented in the near future through changes in policy (through issuance of IMs, for example), technical assistance, or training. Other actions may require amending the land use plans. On October 11, 2017, the Department of the Interior, through BLM, initiated a public scoping process for RMP amendment(s) with associated NEPA documents. The comments may be submitted until November 27, 2017. Depending on the scope and significance, such amendments could take upwards of 9 months to 3 years to complete.

ix. Improve Land Use Planning and NEPA Act Policies and Procedures:

The BLM’s land use planning regulations and policies are outlined in 43 CFR subparts 1601 and 1610, Resource Management Planning; BLM Manual Section 1601; and BLM Handbook 1601-1. The BLM’s policies for complying with NEPA are outlined in BLM Handbook 1790-1 and the Interior NEPA implementing regulations are at 43 CFR Part 46. Taken together, these regulations, manuals, and handbooks establish the policies and procedures BLM follows when conducting land use planning and NEPA compliance, including specific actions related to energy and mineral development.

Pursuant to the Secretarial Memorandum of March 27, 2017, entitled “Improving the Bureau of Land Management’s Planning and National Environmental Policy Act Processes,” the BLM is identifying potential actions it could take to streamline its planning and NEPA review procedures. As part of this identification process, BLM is working with state and local elected officials and groups, including the Western

Governors' Association and the National Association of Counties, to engage and gather input. The BLM also has invited tribes and the public to provide input on how the Agency can make its planning and NEPA review procedures timelier, less costly, and more responsive to local needs. Pursuant to the Secretarial Memorandum, in September 2017, BLM will submit a report to the Secretary outlining recommended actions.

Once implemented, the actions recommended in the report should reduce the time and/or cost of complying with BLM's statutory direction to conduct land use planning under section 202 of FLPMA and complying with NEPA when evaluating proposed actions. These recommendations also should lead to more-standardized analyses in BLM's NEPA reviews at the land use plan and project level.

The reduction in burden will be measured and evaluated in terms of processing times and/or costs of authorizing energy development.

Some of the actions outlined in BLM's report to the Secretary will be actions that BLM will be able to implement in the near future, such as improvements to business processes, or updates to internal manuals or handbooks. Other actions would require changes in statute or regulation (such as new Categorical Exclusions), may depend on other agencies to act, or may require front-end investments in data or information technology.

x. Review Coal-Related Policies and Actions

On March 29, 2017, Secretary Zinke issued Secretarial Order 3348 to lift the Federal coal moratorium imposed by previous Secretarial Order 3338. This Order conformed to the directive in EO13783 requiring the Secretary to lift the moratorium and commence Federal coal leasing activities consistent with all applicable laws and regulations.

The BLM is working to process coal lease applications and modifications "expeditiously" in accordance with regulations and guidance that existed before Secretarial Order 3338. The BLM also ceased activities associated with preparation of the Federal Coal Program Programmatic Environmental Impact Statement (PEIS).

Consistent with EO13783 and Secretarial Order 3348, the BLM is reviewing its policies, with the intent to update or rescind them.

xi. Other Recommendations for Alleviating or Eliminating Actions That Could Directly or Indirectly Burden Energy Exploration or Production

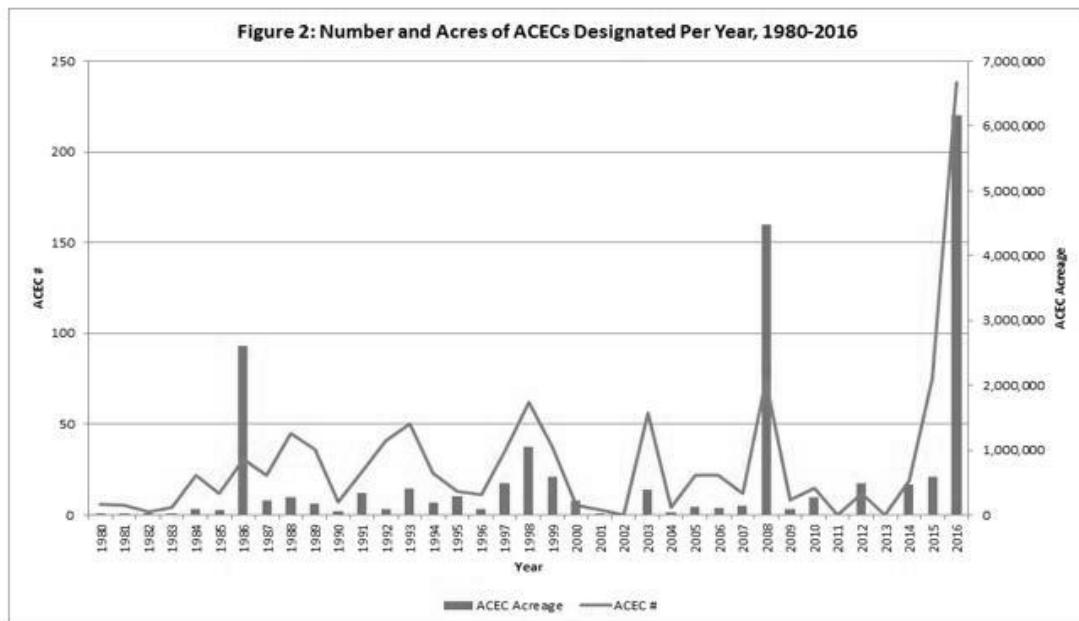
• Review Land Use Designations

The BLM land use planning process ensures that public lands are managed in accordance with the intent of Congress as stated in FLPMA (43 U.S.C. 1701 et seq.), under the principles of multiple use and sustained yield. The BLM's Resource Management Plans (RMPs) are the basis for every on-the-ground action the BLM undertakes, which includes determinations on lands suitable for future energy leasing and permitting opportunities. The BLM uses land use designations

as a part of the land use planning process to guide the management of certain geographic areas towards particular objectives, values or uses.

While some land use designations are made by Congressional, Secretarial, or Presidential action (and therefore require specific land management principles), the BLM has used broad discretion in establishing other formal and less-formal land use designations to set additional management criteria for public lands. In some cases, these criteria may conflict with other multiple use objectives for the land – such as energy development – and therefore have the potential to burden domestic energy development on public lands by reducing access to leasable acreage.

At the time of this report, BLM identified over 60 different land use designations used in RMPs, many of which may lead to additional restrictions on the use of the land. One example is the Area of Critical Environmental Concern (ACEC) designation, which is authorized by Federal Land Policy and Management Act (FLPMA). The Eastern Interior RMP, finalized on January 3, 2017, designated over 2 million acres of ACEC – much of which was recommended for closure to mineral entry and mineral leasing in order to best meet the objectives of the ACEC. The chart included below provides a visual reference for the increased use of this land use designation especially in more recent RMPs.



Note: Figure 2 only shows the number and acres of ACECs designated per year (by fiscal year) and does not present the number and acres that may have been removed per an RMP amendment or revision. Data includes ACECs that may also be Research Natural Areas. Not included in these data are ACECs that have been designated so far in FY 2017, including 2,062,997 acres of ACECs designated in the AK - Eastern Interior Fortymile and Draanjik RMPs.

The BLM will further evaluate the need for these numerous land use designations as a part of the ongoing review of their planning process. The BLM will also

work with state, local, and tribal partners to incorporate efficiencies and update policies on the use of land use designations that may burden or hinder energy development on Federal lands.

- **Review Use of Leasing Stipulations and Conditions of Approval**

Aside from providing for leasing with standard lease terms in the land use planning process, BLM may apply lease stipulations to a specific unit at the planning stage. Stipulations set additional criteria to which an operator must adhere once the acreage is leased. Stipulations include no surface occupancy restrictions (NSO), which close acreage to surface-disturbing activities, timing restrictions (TL), which close acreage to surface-disturbing activities during certain timeframes, and other controlled surface use (CSU) restrictions, which include more specific restrictions such as sound and visual impacts or construction requirements. In some cases, these stipulations may have an impact on the attractiveness of the lease sale parcel in the bidding process.

The BLM may also assign Conditions of Approval (COA) at the permitting stage when an operator first applies for an Application for Permit to Drill (APD). Once an APD is filed, the BLM will send an onsite inspection team to determine the best location for the well, road, and facilities; identify site-specific concerns and potential environmental impacts associated with the proposal and potential options for mitigating these impacts, including COAs. Site-specific concerns include, but are not limited to: well spacing; riparian and wetland areas; visual resource management such as painting infrastructure specific colors; and cultural and wildlife survey needs to comply with the National Historic Preservation Act (NHPA) and the Endangered Species Act (ESA).

Lease stipulations and additional conditions of approval added at the permitting stage burden energy development on public lands by adding additional development costs; increasing the complexity of the drilling operations; and extending project timeframes. The 2008 Energy Policy and Conservation Act Phase III study found that of the 128 Federal land use plans surveyed for inventory, approximately 3,125 individual stipulations and 157 types of COAs were being used.¹ The BLM does not have updated figures at the time of this report.

- **Review Protest Regulations and Policy**

Current BLM regulations allow any party to file a protest on a BLM decision, such as a protest on a land use plan or on a subsequent decision to include a parcel in an oil and gas lease sale. This process provides multiple opportunities to protest every step of the process of offering public lands for oil and gas leasing. To date, many state offices, such as CO, MT, NM, UT, and WY are receiving protests on

¹ https://www.blm.gov/sites/blm.gov/files/EPCA_III_Inventory_Onshore_Federal_Oil_Gas.pdf; p. 42, 109.

every oil and gas parcel offered through the Notice of Competitive Lease Sale process.

In the past, protests were parcel-specific on issues unique to the parcel in question. In recent years, the reasons for protesting every parcel in the sale are broad-based and non-parcel specific, such as general concerns on climate change or hydraulic fracturing. In FY 2016, 72 percent of parcels offered for lease were protested. By comparison, in FY 2012, only 17 percent of parcels received protests. The number of parcels offered on the original sale notice decreased from 2,247 in FY 2012 to 820 in FY 2016.

If a protest is still pending on the day of sale, the parcel can still be offered during the sale but the protest must be resolved prior to the lease being issued and the protest may diminish interest in bidding. This in turn can delay payment of the State's share of the bonus bids – which occurred most recently in the State of New Mexico. In September 2016, BLM hosted a record-setting lease sale generating \$145 million in revenue, of which \$80 million was owed to the state Mineral Leasing Act revenue sharing provision. As a result of the number of protested parcels and the length of time it took to resolve all protests, the payment to the State of New Mexico was delayed approximately 250 days.

This uptick in the protest process and the inability to reach conclusive resolutions in a timely manner is a burden on oil and natural gas development on public lands. A regulatory change may be necessary to limit redundant protests that hinder orderly development. Alternatively, the BLM is investigating the value in creating regional leasing teams that could build sufficient capacity to offer parcels during the BLM's quarterly lease sales.

xii. Revise Energy-Related Collections of Information under the Paperwork Reduction Act

The BLM anticipates revising energy-related collections of information under the Paperwork Reduction Act (e.g., Approval of Operations (1004-0213) and Application for Permit to Drill (1014-0025) to reduce administrative burden on energy development and use through simplification of forms and associated instructions/guidance and ceasing collection of information that is unnecessary or lacks practical utility.

B. Bureau of Ocean Energy Management

The BOEM is responsible for managing development of the Nation's offshore energy and mineral resources through offshore leasing, resource evaluation, review, and administration of oil and gas exploration and development plans, renewable energy development, economic analysis, NEPA analysis, and environmental studies. The BOEM promotes energy security, environmental protection and economic development through responsible, science-informed management of offshore conventional and renewable energy and mineral resources. The BOEM carries out these responsibilities while ensuring the receipt of fair market value for U.S.

taxpayers on OCS leases, and balancing the energy demands and mineral needs of the Nation with the protection of the human, marine, and coastal environments.

Since the publication of EO13771 on January 30, 2017, BOEM has been reviewing all aspects of its programs to identify regulations and guidance documents that potentially burden the development or use of domestically produced energy resources beyond the degree necessary to protect the public interest or otherwise comply with the law.

Below are specific actions BOEM is undertaking to reduce burdens on the production of energy offshore in the America-First Offshore Energy Strategy, as delineated in EO13795 and S.O. 3350:

i. Air Quality Rule

The BOEM has been re-examining the provisions of the air quality proposed rule published on April 5, 2016 (81 FR 19718), which would provide the first substantive updates to the regulation since 1980. The proposed rule addressed air quality measurement, evaluation, and control with respect to oil, gas, and sulphur operations on the OCS of the United States in the central and western Gulf of Mexico and the area offshore the North Slope Borough in Alaska. Interior is currently reviewing recommendations on how to proceed, including promulgating final rules for certain necessary provisions and issuing a new proposed rule that may withdraw certain provisions and seek additional input on others.

ii. Financial Assurance for Decommissioning

Notice to Lessees No. 2016-N01, for which implementation has been suspended, would make substantial changes to BOEM's requirements for companies to provide financial assurance to meet decommissioning obligations. The BOEM has been undertaking a thorough review of the NTL, including gathering stakeholder input.

iii. Arctic Rule

On July 15, 2016, BOEM and the BSEE promulgated a final rule, “Oil and Gas and Sulfur Operations on the Outer Continental Shelf—Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf” (81 FR 46478). Interior is reviewing the requirements for exploratory drilling conducted from mobile drilling units within the Arctic OCS (Beaufort Sea and Chukchi Sea Planning Areas). Interior is considering full rescission or revision of this rule, including associated information collection requirements. Review of this rule is expected to allow greater utilization of the Arctic drilling season.

iv. Oil and Gas Leasing on the Outer Continental Shelf

Secretary Zinke directed development of a new 5-year OCS oil and gas leasing program to spur safe and responsible energy development offshore. On July 3, 2017, BOEM published a request for information and comments on the preparation of a new 5-year National OCS Leasing Program for 2019-2024 (82 FR 30886). Upon its completion, the new program will replace the 2017-2022 program.

Secretarial Order 3350 directly implements EO13795, and also advances Interior’s implementation of EO13783 by providing for the reevaluation of actions that impact exploration, leasing, and development of our OCS energy resources. This Secretarial Order enhances opportunities for energy exploration, leasing, and development on the OCS by establishing regulatory certainty for OCS activities. In accordance with this Secretarial Order, Interior is reviewing potential regulatory changes to reduce burden on offshore energy production, development, and use.

In addition, on July 13, Secretary Zinke offered 75.9 million acres offshore Texas, Louisiana, Mississippi, Alabama, and Florida for oil and gas exploration and development. The region-wide lease sale conducted on August 16, 2017, was the first offshore sale under the OCS Oil and Gas Leasing Program for 2017-2022. Under this program, 10 region-wide lease sales are scheduled for the Gulf, where resource potential and industry interest are high, and oil and gas infrastructure is well established. Two Gulf lease sales will be held each year and include all available blocks in the combined Western, Central, and Eastern Gulf of Mexico Planning Areas.

v. Seismic Permitting

Currently BOEM is one of two Federal agencies required to take separate regulatory actions in order to permit geological and geophysical surveying on the OCS. These seismic surveys, which are conducted by applicants, enable BOEM to make informed business decisions regarding oil and gas reserves, engineering decisions regarding the construction of renewable energy projects, and informed estimates regarding the composition and volume of marine mineral resources. This information is also used to ensure the proper use and conservation of OCS energy resources and the receipt of fair market value for the leasing of public lands.

The ongoing delay in reaching decisions on Federal authorization of seismic surveys is a burden that hinders domestic energy development by preventing industry from being able to better determine the size and location of potential energy resources below the seafloor. The BOEM experts believe that these surveys can be authorized with appropriate mitigation measures consistent with the protection required by applicable Federal laws, primarily the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA). While BOEM is responsible for ultimately issuing a permit to allow these activities to move forward, no seismic surveying can be done without MMPA authorization by the National Marine Fisheries Service (NMFS). For this reason, the issuance of certain seismic permits by BOEM has been held up in a years-long process awaiting NMFS authorization. BOEM and NMFS are currently working on ways to streamline review, as directed in EO 13795, Sec. 3(c).

The Department believes that some improvements can be made through simple program initiatives, such as NMFS assigning dedicated staff to the permits or allowing BOEM to determine MMPA compliance for the purposes of BOEM-related activities in accordance with EO 13807. Finding a genuinely effective solution may warrant statutory changes as well as reorganizing departmental responsibilities within the Executive Branch in order to streamline opportunities to increase efficiency.

vi. Revise Energy-Related Collections of Information under the Paperwork Reduction Act

The BOEM is reviewing four energy-related information collections, two of which are related to the Arctic Rule, and two of which collect information that is no longer needed.

C. Bureau of Safety and Environmental Enforcement

The BSEE ensures the safe and responsible exploration, development, and production of America's offshore energy resources through regulatory oversight and enforcement. The BSEE is focused on fostering secure and reliable energy production for America's future through a program of efficient permitting, appropriate regulations, compliance monitoring and enforcement, technical assessments, inspections, and incident investigations. As a steward of the Nation's OCS oil, gas, and mineral resources, the Bureau protects Federal royalty interests by ensuring that oil and gas production methods maximize recovery from underground reservoirs.

The BSEE continues the efforts begun earlier this calendar year to review and seek stakeholder input on opportunities to reduce burden on the regulated community while maintaining necessary safety and environmental protections. Specifically, the BSEE is focusing its review on 2 final rules, published in 2016, regarding safety and environmental protection for oil and gas exploration, development and production activities on the OCS. The first is the Well Control and Blowout Preventer (BOP) Rule (81 FR 25888); the second is the Arctic Exploratory Drilling Rule (the Arctic Rule) (81 FR 46478), which was issued jointly by BSEE and BOEM. Both rules (as described below) revised older regulations and added some new requirements that potentially burden development of domestic offshore oil and gas production. The BSEE continues to identify specific issues in both final rules that, if revised or eliminated through a future rulemaking process, could alleviate those burdens without reducing the safety or

environmental protections of the rules. The BSEE is beginning the process of drafting timelines and developing stakeholder engagement strategies for potential revision to both sets of regulations. These rules fit into the category of “Other Actions that Potentially Burden Development or Use of Energy.” The BSEE has also identified policies that should be re-examined. Those are:

- review decommissioning infrastructure removal requirements and timelines for infrastructure;
- clarify Civil Penalties Guidance; and
- review current policies associated with taking enforcement actions against contractors.

The BSEE already completed publication of a final rule revising requirements of 30 CFR 250.180 to extend the period of time before a lease expires due to cessation of operations from 180 days to 1 year, thus allowing operators greater flexibility to plan exploration activities.² The BSEE also improved its civil penalty program through the creation of a Civil Penalty Enforcement Specialist in each district in the Gulf of Mexico Region to serve as a liaison with District and Headquarters throughout a civil penalty case, providing clarity and consistency among civil penalty cases.

The BSEE is also reviewing the Production Safety Systems Rule (30 CFR part 250, subpart H), based on Department guidance received between April and May of 2017. If areas for revision are identified, the BSEE would tier it behind the Well Control Rule (WCR) and the Arctic Rule in terms of potential burden reduction.

Below are the specific details of BSEE’s review to identify additional regulations and policies that potentially burden development or use of energy.

i. Revise Well Control and BOP Rule (WCR)

The WCR was issued on April 29, 2016, and consolidated new equipment and operational requirements for well control, including drilling, completion, workover, and decommissioning operations. The rule also incorporated or updated references to numerous industry standards and established new requirements reflecting advances in areas such as well design and control, casing and cementing, real-time monitoring (RTM), subsea containment of leaks and discharges, and blowout preventer requirements. In addition, the final rule adopted several reforms recommended by several bodies that investigated the *Deepwater Horizon* incident.

The BSEE is considering several revisions to its regulations. Among those considerations is a rulemaking to revise the following aspects of the new well control regulations, including but not limited to:

² See, “Oil and Gas and Sulphur Operations in the Outer Continental Shelf – Lease Continuation Through Operations,” 82 FR 26741 (June 9, 2017).

- revising the requirements for sufficient accumulator capacity and remotely-operated vehicle (ROV) capability to both open and close reams on subsea BOPs (i.e., to only require capability to close the rams);
- revising the requirement to shut in platforms when a lift boat approaches within 500 feet;
- extending the 14-day interval between pressure testing of BOP systems to 21 days in some situations;
- clarifying that the requirement for weekly testing of two BOP control stations means testing one station (not both stations) per week;
- simplifying testing pressures for verification of ram closure; and
- revising or deleting the requirement to submit test results to BSEE District Managers within 72 hours.

These changes are expected to strike the appropriate balance in order to maintain important safety and environmental protections while also ensuring development may continue.

The BSEE initiated review of potential regulatory changes to this rule in July 2017. The interim step before issuing a proposed rule to revise existing regulations is to seek input on potential areas of reform from the stakeholders. The BSEE is in the process of determining the most effective way to engage stakeholders to provide meaningful and constructive input on regulatory reform efforts related to well control. As a result of stakeholder outreach, the above list of potential reforms may be increased.

ii. Revise Arctic Rule

The Arctic Rule was published on July 15, 2016 (81 FR 46478), and revised existing regulations and added new prescriptive and performance-based requirements for exploratory drilling conducted from mobile drilling units and related operations on the OCS within the Beaufort Sea and Chukchi Sea Planning Areas (Arctic OCS). After conducting its review to eliminate burdens and increase economic opportunities, BSEE is considering a several revisions to the rule, including but not limited to:

- modifying requirement to capture water-based muds and cuttings;
- eliminating the requirement for a cap and flow system and containment dome that are capable of being located at the well site within 7 days of loss of well control;
- eliminating the reference to the expected return of sea ice from the requirement to be able to drill a relief well within 45 days of loss of well control; and
- eliminating the reference to equivalent technology from the mudline cellar requirement.

The BOEM has also identified an opportunity to reduce burden on operators. A joint rulemaking would likely be undertaken again.

Among the potential benefits of the items listed above is the possibility of allowing greater flexibility for operators to continue drilling into hydrocarbon zones later into the

Arctic drilling season. Current leasing strategies in the Arctic constrain future exploratory activities to which this rule would apply.

Success will result in a reduction in burdens associated with exploration of the Nation's Arctic oil and gas reserves while also providing appropriate safety and environmental protection tailored to this unique environment.

Prior to proposing a rulemaking to make the changes above, BSEE and BOEM plan to undertake stakeholder engagement activities. As a result of stakeholder engagement, the list of potential areas for proposed reform may change or grow. This process will enhance our ability to engage the public and stakeholders, as well as ensure our ability to engage in a robust consultation with tribes and Alaska Native Claims Settlement Act corporations. Stakeholder engagement will have the added benefit of allowing BSEE and BOEM to receive input on how the agencies calculate the primary lease term in order to provide a more tailored approach to the limited drilling windows in the Arctic.

iii. Decommissioning Infrastructure Removal Requirements

The BSEE will re-examine the NTL 2010-G05, "Decommissioning Guidance for Wells and Platforms," to determine whether additional flexibility should be provided to better account for facility and well numbers and size, as well as timing consideration that can arise in the case of financial distress or bankruptcy of companies. Any changes to the NTL will not have an impact on companies' underlying decommissioning obligations, but could provide more flexibility to allow for cash-flow management and ultimately increase assurance that decommissioning obligations can be fulfilled without government expense.

iv. Lease Continuation Through Operations

This action was completed on June 9, 2017, when final rule 1014-AA35, "Oil and Gas and Sulphur Operations in the Outer Continental Shelf-Lease Continuation Through Operations," was published in the Federal Register (82 FR 26741). Section 121 of the Consolidated Appropriations Act of 2017 mandated that BSEE revise the requirements of 30 CFR 250.180 relating to maintaining a lease beyond its primary term through continuous operations. The final rule changed all of the references to the period of time before which a lease expires due to cessation of operations from "180 days" and "180th day" to a "year" and from "180-day period" to a "1-year period." The rule has become effective and is allowing operators greater flexibility to plan exploration activities.

v. Contractor Incidents of Noncompliance

The BSEE currently has a policy that calls for issuing notices of noncompliance (INCs) to contractors as well as operators in certain instances. The BSEE will examine whether this policy is achieving the desired deterrence value or whether an alternative compliance incentive should be considered and the policy revised. There are currently several

ongoing court actions that could result in adjustments to this policy. The BSEE will consider all of this information while examining the policy.

vi. Civil Penalties

Since 2013, the BSEE civil penalty program has continued to improve its processes and programs. For example, in 2016, each of the Districts in the Gulf of Mexico Region (GOMR) created the position of Civil Penalty Enforcement Specialist to assist with the review of all INCs to determine which INCs are appropriate for civil penalty assessment, and to act as a liaison with the District and Headquarters (HQ) throughout a civil penalty case. This effort has greatly assisted in proving clarity and consistency to the development of civil penalty cases.

vii. Energy-Related Information Collections under the Paperwork Reduction Act

The BSEE has approximately 25 information collections associated with our regulations and guidance that must be renewed every 3 years on a rolling basis. The renewal process involves an analysis of whether each information collection continues to be necessary and if whether it requires modification. Through this process, BSEE continuously reviews our forms and the information we collect and reduces the collection burden wherever appropriate. Additionally, there may be further burden reduction associated with potential revisions to the Well Control and Arctic rules once final determinations have been made with respect to specific action on those regulations.

D. Office of Natural Resources Revenue

The ONRR is responsible for ensuring revenue from Federal and Indian mineral leases is effectively, efficiently, and accurately collected, accounted for, analyzed, audited, and disbursed to recipients. The ONRR collects an average of over \$10 billion annual revenue from onshore and offshore energy production, one of the Federal government's largest sources of non-tax revenue.

i. Royalty Policy Committee

In an effort to ensure the public continues to receive the full value of natural resources produced on Federal lands, Secretary Zinke signed a charter establishing a Royalty Policy Committee (RPC) to provide regular advice to the Secretary on the fair market value of and collection of revenues from Federal and Indian mineral and energy leases, including renewable energy sources. The RPC may also advise on the potential impacts of proposed policies and regulations related to revenue collection from such development, including whether a need exists for regulatory reform. The group consists of 28 local, tribal, state, and other stakeholders and will serve in an advisory nature. The Secretary's Counselor to the Secretary for Energy Policy chairs the RPC. The first meeting will be held on October 4, 2017.

ii. 2017 Valuation Rule

On April 4, 2017, ONRR published a proposed rule that would rescind the 2017 Valuation Rule. The ONRR, after considering public feedback, recognized that implementing the 2017 Valuation Rule would be contrary to the rule's stated purpose of offering greater simplicity, certainty, clarity, and consistency in product valuation. The ONRR determined that the 2017 Valuation Rule unnecessarily burdened the development of Federal and Indian coal beyond what was necessary to protect the public interest or otherwise comply with the law. ONRR therefore repealed the rule in its entirety and reinstated the valuation regulations in effect prior that rule. (82 FR 36934, August 7, 2017).

E. Office of Surface Mining Reclamation and Enforcement

The OSMRE ensures, through a nationwide regulatory program, that coal mining is conducted in a manner that protects communities and the environment during mining, restores the land to beneficial use following mining, and mitigates the effects of past mining by aggressively pursuing reclamation of abandoned mine lands. The OSMRE's statutory role is to promote and assist its partner states and tribes in establishing a stable regulatory environment for coal mining. The proposed level of regulatory grant funding provides for the efficient and effective operations of programs at a level consistent with the anticipated obligations of State and tribal regulatory programs to account for the Nation's demand for coal mine permitting and production.

On February 16, 2017, President Trump signed a resolution under the Congressional Review Act to annul the Stream Protection Rule (SPR) (81 FR 93066, December 20, 2016). This rule imposed substantial burdens on the coal industry and threatened jobs in communities dependent on coal. As described below, OSMRE has drafted a Federal Register document to conform the Code of Federal Regulations to the legislation and return the regulations to their previous status and anticipates publication on or about September 30, 2017. In the interim, OSMRE has ensured that the SPR is not being implemented in any way and that regulation is occurring under the pre-existing regulatory system.

The OSMRE is reviewing additional actions to reduce burdens on coal development, including, for example, reviewing the state program amendment process to reduce the time it takes to formally amend an approved Surface Mining Control and Reclamation Act (SMCRA) regulatory program.

In compiling the following list of actions for review, OSMRE considered direct and indirect impacts to the coal industry, as well as impacts to the states with primary responsibility for regulating coal mining activities, pursuant to the SMCRA.

Recommendations for Alleviating or Eliminating Burdensome Actions

i. Disapproval of the Stream Protection Rule

The SPR was published on December 20, 2016, and became effective on January 19, 2017. In accordance with the Congressional Review Act, Congress passed, and the President signed, a resolution of disapproval of the SPR on February 16, 2017, as Public

Law 115-5. No provisions of the SPR have been enforced since passage of the resolution. In addition, OSMRE will formally document the CRA nullification of the SPR by publishing in the Federal Register a document that replaces the SPR text with the regulations that were in place prior to January 19, 2017. This will result in the removal of any amendments, deletions, or other modifications associated with the nullified rule, and the reversion to the text of all regulations in effect immediately prior to the effective date of the SPR.

The OSMRE estimates the elimination of this rule will save industry approximately \$82 million annually, and will reduce the amount of time states and OSMRE are expending in the processing of permit applications and monitoring performance during the life of the operation.

Interior has identified the CRA nullification and subsequent action by OSMRE to conform the CFR to the Congressional action as a deregulatory action under EO 13771.

- ii. Work with Interstate Mining Compact Commission (IMCC) to Revisit and Revise Ten-Day Notices and Independent Inspections – Directives INE-24, INE-35, REG-8*

Under revisions to OSMRE Directive REG-8, which establishes policies, procedures and responsibilities for conducting oversight of state and tribal regulatory programs, OSMRE conducts 10 percent of all routine oversight inspections with 24 hours' notice to the state regulatory authority. If the state inspector is unavailable to accompany the OSMRE inspector, OSMRE will conduct the inspection alone. These and other oversight inspections sometimes result in the issuance of Ten-Day Notices (TDNs) to the state regulatory authority under Inspection and Enforcement (INE)-35. In addition, INE-24, issued on May 26, 1987, requires OSMRE to issue a TDN to state regulatory authorities upon receipt of a citizen's complaint.

Between 2011 and 2016, 882 TDNs were issued to state regulatory programs. On an annual basis, the majority (39 or 74 percent) of those resulted from citizen's complaints. In addition, an evaluation of data during 2013 found that the number of TDNs issued when the state inspector does not participate was determined to be 6.4 percent of the total oversight inspections, versus 1.5 percent when the state inspector accompanied the OSMRE inspector. State regulatory authorities, particularly in the Appalachian Region, have expressed concern that the number of hours required to prepare TDN responses can be significant.

In an effort to address these concerns, a joint OSMRE and State/Tribal Work Group assessed various topics, including the use of TDNs and independent inspections. In a report issued on July 30, 2014, the Work Group made six specific recommendations for the TDN process and four recommendations regarding the independent inspection process. Interstate Mining Compact Commission (IMCC) member states have requested OSMRE revisit these recommendations, and others, in an effort to implement the recommendations. In addition, OSMRE will revisit and revise, as needed, the specific

policy directives governing the use of TDNs and independent inspections in cooperation with the IMCC to reduce the amount of time states and OSMRE are expending to process TDNs.

The review will commence this calendar year, following specific timelines and benchmarks to be established jointly with IMCC.

iii. Work with IMCC to Revise or Rescind OSMRE Memorandum and Directive INE-35 – TDNs and Permit Defects

On November 15, 2010, the OSMRE Director issued a memorandum directing OSMRE staff to apply the TDN process and Federal enforcement to permitting issues under approved regulatory programs. In support of this memorandum, on January 31, 2011, the Director reissued Directive INE-35, regarding policy and procedures for the issuance of TDNs. This directive requires the issuance of a TDN whenever a permit issued by the state regulatory authority (RA) contains a “permit defect,” which the directive defines as meaning “a type of violation consisting of any procedural or substantive deficiency in a permit-related action taken by the RA (including permit issuance, permit revision, permit renewal, or transfer, assignment, or sale of permit rights).” The directive further states that OSMRE will not review pending permitting decisions and will not issue a TDN for an alleged violation involving a possible permit defect where the RA has not taken the relevant permitting action (e.g., permit issuance, permit revision, permit renewal, or transfer, assignment, or sale of permit rights).

Since the issuance of this policy and associated directive, concerns have been raised by some states and industry stakeholders regarding the potential impact on mining operations where the RA has issued a permit, revision, or renewal, and the operator has commenced activities based upon RA approval. The OSMRE in cooperation with the IMCC will revisit the policy and directive and revise or rescind, as appropriate to provide more certainty to the industry in the state RA permitting process.

The review will commence this calendar year; specific timelines and benchmarks will be established jointly with IMCC.

iv. *Revise Processing State Program Amendments – Directive STP-1*

Directive STP-1, issued in October 2008, establishes policy and procedures for review and processing of amendments to state regulatory programs. Most changes in state law or regulations that impact an approved SMCRA regulatory program require submission of a formal program amendment to OSMRE for approval. Such changes to primacy programs cannot be implemented until a final amendment is approved by OSMRE. In addition, written concurrence must be received from the Administrator of the Environmental Protection Agency with respect to those aspects of a state/tribal program amendment which relates to air or water quality standards promulgated under the authority of the Clean Air Act or the Clean Water Act prior to OSMRE approval. In accordance with 30 CFR 732.17(h)(13), OSMRE must complete a final action on program amendments within 7 months of receipt. Often, due to the complexities of the process and other issues, including influences outside of OSMRE, it is difficult for OSMRE to meet the required processing times.

The result is that state regulatory authorities are occasionally unable to move forward in a timely manner with needed program amendments.

Based upon the results of an internal control review (ICR) and work with the state/tribal work group, OSMRE is developing new training guides and opportunities for states and revising Directive STP-1 to improve the state program amendment process. The OSMRE will also review the process with the Office of the Solicitor to evaluate opportunities for process improvement. In addition, the recent approval by OMB of the information collection requirements of 30 CFR Part 732 was conditioned upon OSMRE developing new guidance and supporting documents for states to use when preparing amendments to approved programs. The OSMRE intends for these actions to reduce its processing time for state program amendments.

The revision of Directive STP-1 and development of training guides is anticipated to be completed this calendar year. OSMRE will track processing times once the revised directive and training have been implemented, and compare results to previous years. The OMB approval of new guidance for Part 732 is required by July 31, 2020.

v. *Revise or Rescind OSMRE Policy Advisory and Proposed Rulemaking: Self-Bonding*

On August 5, 2016, the OSMRE Director issued a policy advisory on self-bonding. The advisory was in direct response to three of the largest coal mine operators in the nation filing for Chapter 11 protection under the U.S. Bankruptcy Code between 2015 and 2016. Those companies held approximately \$2.5 billion of unsecured or non-collateralized self-bonds that various states with federally-approved SMCRA regulatory programs previously accepted to guarantee reclamation of land disturbed by coal mining. The advisory stated that “the bankruptcy filings confirm the existence of significant issues about the future financial abilities of coal companies and how they will meet future reclamation obligations.” While recognizing the action of certain state programs to address self-bonding issues, the advisory went on to say that “each regulatory authority should exercise its discretion and not accept new or additional self-bonds for any permit

until coal production and consumption market conditions reach equilibrium, events which are not likely to occur until at least 2021.” Since the issuance of this advisory, all three companies of concern have completed their plans for Chapter 11 reorganization, and either have or are expected to replace all self-bonds with other forms of financial guarantees.

In addition to the issuance of the policy advisory on self-bonding, OSMRE accepted a petition for rulemaking submitted March 3, 2016, by WildEarth Guardians. The petition requested that OSMRE revise its self-bonding regulations to ensure that companies with a history of insolvency, and their subsidiary companies, not be allowed to self-bond coal mining operations.

Limiting the use of self-bonds, as indicated in the policy advisory or potentially through a rulemaking, could impact a company’s ability to continue mining. In addition, there will likely be an increased demand and potential negative impact on the availability of third party surety bonding.

On January 17, 2017, the GAO announced that it will conduct an audit of financial assurances for reclaiming coal mines (Job Code 101326) that will focus on the role of OSMRE in implementing and overseeing the Surface Mining Control and Reclamation Act’s requirements related to financial assurances.

In view of the current status of the self-bonding bankruptcies and recent executive orders concerning rulemakings, OSMRE will reconsider the scope of the policy advisory and revise or rescind, as appropriate. In addition, OSMRE will revisit the need for and scope of any potential rulemaking in response to the previously accepted petition. Furthermore, OSMRE will carefully consider the report and recommendations of the pending GAO audit of financial assurances currently underway. The OSMRE will solicit public input prior to finalizing any decision on the need for further rulemaking.

The OSMRE will continue to monitor the status of self-bonding issues in state programs in cooperation with the IMCC and other stakeholders (sureties, industry, and environmental groups).

vi. Revise or Rescind OSMRE Enforcement Memorandum – Relationship between the Clean Water Act (CWA) and SMCRA

On July 27, 2016, the OSMRE Director issued a policy memo to staff providing direction on the enforcement of the existing regulations related to violations of the CWA caused by SMCRA-permitted operations and related issues, such as responses to self-reported violations of National Pollutant Discharge Elimination System (NPDES) limits and OSMRE responses to Notices of Intent (NOI) to sue alleging CWA violations at SMCRA-permitted operations. The policy memo specifically required an NOI to be processed as a citizen complaint, which requires OSMRE to issue a TDN to the state RA upon receipt of the NOI. In addition, the memo stated that a violation of water quality standards is also a violation of SMCRA regulations.

State regulatory authorities, as well as industry, have raised issues with this guidance document expressing concern with overlap and potential conflicts between section 702(a)(3)³ of SMCRA and the CWA. In addition, state RAs have raised concerns about new TDNs and related enforcement actions that have been issued in response to this policy guidance. The relationship between the CWA and SMCRA and the role of the state RAs in ensuring compliance in accordance with their approved SMCRA regulatory programs have been longstanding issues. Resolution will bring certainty to the state regulatory programs as well as for the industry.

The OSMRE will revisit the policy issues and concerns in cooperation with the IMCC and will revise or rescind the memorandum, as appropriate. Review of the policy with IMCC member states will commence this calendar year; the revised or rescinded policy should be complete by the end of this calendar year. The OSMRE will consider seeking public input prior to finalizing the policy.

vii. Revise Policy on Reclamation Fee for Coal Mine Waste (Uram Memo) and Propose Rule for Additional Incentives

On July 22, 1994, then-Director Robert Uram issued a memorandum outlining the conditions under which OSMRE would waive the assessment of reclamation fees on the removal of refuse or coal waste material for use as a waste fuel in a cogeneration facility. Recently, the Pennsylvania regulatory authority (PADEP) requested that OSMRE update this policy as outlined below to incentivize reclamation efforts on sites with coal refuse reprocessing activities.

The PADEP believes that the reclamation fees deter operators from reclamation efforts on sites with coal refuse reprocessing activities. Coal refuse sites located within the Anthracite Coal Region are unable or have ceased the removal of coal refuse to be used as waste fuel at co-generation facilities. This is partly or totally due to the assessment of reclamation fees on coal refuse used as waste fuel. In addition, PADEP recommended that OSMRE consider waste derived from filter presses at existing coal preparation plants to be a “no value”⁴ product, which would encourage its use as a waste fuel rather than requiring it to be disposed in a coal refuse pile.

The OSMRE will revisit the 1994 Uram Memo, with the goal of providing an incentive for use of coal refuse as a coal waste fuel. In addition, OSMRE will revisit the remaining incentives provided by the 2006 amendments to SMCRA at section 415, some of which apply specifically to removal or reprocessing of abandoned coal mine waste. Additional incentives pursuant to Section 415 will require promulgation of rules, and, therefore, input from the public will be solicited.

³ Nothing in this Act shall be construed as superseding, amending, modifying, or repealing the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a), the National Environmental Policy Act of 1969 (42 U.S.C. 4321-47), or any of the following Acts or with any rule or regulation promulgated thereunder, including, but not limited to --
(3) The Federal Water Pollution Control Act (79 Stat. 903), as amended (33 U.S.C. 1151-1175), the State laws enacted pursuant thereto, or other Federal laws relating to preservation of water quality.

⁴ No value determinations are based upon the criteria established in the 1994 Uram Memorandum.

Providing additional incentives to industry to promote remining of coal refuse and other abandoned mine sites will provide for additional reclamation of abandoned mines that would not otherwise be accomplished through the Abandoned Mine Lands (AML) program. Specific benchmarks for measuring success, such as acres of additional reclamation performed, will be developed consistent with the implementation of the incentives.

viii. Energy-Related Information Collections under the Paperwork Reduction Act

The OSMRE reviewed the current industry costs associated with the Paperwork Reduction Act and did not find any information collections that “potentially burden⁵ the development or utilization of domestically produced energy resources” in accordance EO13783. It should be noted that there will be no industry costs associated with information collection based on the Stream Protection Rule, due to the Congressional Review Act nullification of that final rule.

F. U.S. Fish and Wildlife Service

The FWS is reviewing its final rule, “Management of Non-Federal Oil and Gas Rights,” 81 FR 79948 (Nov. 14, 2016) to determine whether revision would be appropriate to reduce burden on energy.

Additionally, below is a list of burdens and opportunities to fulfill the intent of the Executive Order:

i. Streamline Rights-of-way (ROW) for pipelines and electricity transmission

The approval process for new ROW access can be overly restrictive and excessively lengthy. The National Wildlife Refuge System Administration Act, as amended, requires all uses, including rights-of-way, of National Wildlife Refuges to be compatible with the mission of the System. The FWS will work with stakeholders in a more timely fashion to determine if proposed ROW uses are compatible. Additionally, FWS will revise its ROW regulation to streamline the current ROW granting process to significantly decrease the time to obtain ROW approval from the current 3-12 month time frame.

ii. Review Incidental Take Regulations for oil and gas activities in the Southern Beaufort Sea and Chukchi Sea, under the Marine Mammal Protection Act (MMPA)

The MMPA prohibits take (i.e., harass, hunt, capture, or kill) of marine mammals (16 U.S.C. 1361 et seq.) unless authorized by the Secretary. Existing measures in the MMPA incidental take regulations require: 1) maintaining a minimum spacing of 15 miles between all active seismic source vessels and/or drill rigs during exploration activities in the Chukchi Sea; 2) no more than two simultaneous seismic operations and three offshore exploratory drilling operations authorized in the Chukchi Sea region at any time; 3) time restrictions for transit through the Chukchi Sea; 4) time and vessel restrictions in the

⁵ Burden “means to unnecessarily obstruct, delay, curtail, or otherwise impose significant costs on the siting, permitting, production, utilization, transmission, or delivery of energy resources” (Presidential Executive Order 13783, Promoting Energy Independence and Economic Growth, March 28, 2017).

Hanna Shoal Walrus Use Area; 5) location of polar bear dens and 1-mile buffer; 6) maximum distance around Pacific walruses and polar bears on ice and groups of Pacific walruses in water; 7) sound producing mitigation zones & shut-down/ramp up procedures; 8) marine mammal observers and monitoring requirements; and 9) excessive reporting requirements.

The FWS has the opportunity to review the Chukchi Sea incidental take regulation which expires in 2018, and the regulation for the southern Beaufort Sea expires in 2021. They may either be allowed to expire or be revised and reissued.

iii. Modernize Guidance and regulations governing interagency consultation pursuant to Section 7(a)(2) of the Endangered Species Act

Section 7(a)(2) of the Endangered Species Act requires Federal agencies, in consultation with the Secretary of the Interior or the Secretary of Commerce (delegated to the Fish and Wildlife Service and the National Marine Fisheries Service, respectively), to ensure that any action authorized, funded or carried out by the agency is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. However, the time and expense associated with satisfying the interagency consultation requirements are unnecessarily burdensome.

The FWS has discretion to create efficiencies and streamlining in the consultation process through targeted revision to regulations and/or guidance and is reviewing opportunities for further process improvements.

iv. Build Upon the Efforts of the Western Governors' Association and Others to Improve the Application of the Endangered Species Act, Reduce Unnecessary Burdens on the Energy Industry, and Facilitate Conservation Stewardship

A number of groups, most prominently the Western Governors' Association, have worked to evaluate and develop recommendations to improve the application of the ESA. For example, the Western Governors' Association developed the *Western Governors' Species Conservation and Endangered Species Act Initiative (Initiative)*, which conducts broad-based stakeholder discussions focused on issues such as identifying means of incentivizing voluntary conservation, elevating the role of states in species conservation, and improving the efficacy of the ESA. Interior intends to build on these efforts to improve the application of the ESA in a manner that ensures conservation stewardship, while reducing unneeded burdens on the public, including the energy industry.

v. Re-Evaluate Whether the MBTA Imposes Incidental Take Liability and Clarify Regulatory Authorities.

Federal Courts of Appeals have split on whether the Migratory Bird Treaty Act (MBTA) imposes criminal liability on companies and individuals for the inadvertent death of migratory birds resulting from industrial activities. Three circuits – the fifth, eighth, and ninth – have held that it does not, limiting taking liability to deliberate acts done directly and intentionally to migratory birds. Two circuits – the second and tenth – have held that

it does. On January 10, 2017, the Office of the Solicitor issued an opinion regarding the issue, which was subsequently suspended pending further review of the opinion and the underlying regulations and decisions. This review is currently ongoing, and may serve as the basis for the development of new internal guidance or regulations that provide clarity to this longstanding issue.

vi. Evaluate the Merits of a General Permit for Incidental Take Under the Bald and Golden Eagle Protection Act

The FWS intends to evaluate the merits of a general permit for incidental take under the Bald and Golden Eagle Protection Action Act (BGEPA). When the bald eagle was delisted under the ESA, FWS issued a rule establishing a permit program for incidental take under BGEPA. On December 16, 2016, FWS adopted a final rule intended to address some of industry's concerns regarding the BGEPA incidental take permit process (81 FR 91494). One measure strongly supported by industry, a general permit for activities that constitute a low risk of taking eagles, was not considered as part of this rulemaking process, though FWS did accept comments on the subject for consideration in a future rulemaking. The FWS is reviewing these comments to determine whether additional regulatory changes would be appropriate to reduce the burden on industry.

G. Bureau of Reclamation

The BOR is the second largest producer of hydroelectric power in the United States, operating 53 hydroelectric power facilities, comprising 14,730 megawatts of capacity. Each year, BOR generates over 40 million megawatt-hours of electricity (the equivalent demand of approximately 3.5 million US homes),⁶ producing over one billion dollars in Federal revenue. In addition to our authorities to develop, operate, and maintain Federal hydropower facilities, BOR is also authorized to permit the use of our non-powered assets to non-Federal entities for the purposes of hydropower development via a lease of power privilege (LOPP).

The BOR is committed to facilitating the development of non-Federal hydropower at our existing Federal assets. Acting on this commitment, BOR has undertaken a number of activities, including:

- i. Completion of two publically available resource assessments.*
Assessments identify technical hydropower potential at existing BOR facilities, irrespective of financial viability.
- ii. Collaboration with stakeholder groups to improve the LOPP process and LOPP Directive and Standard (D&S) policy guidance document.*

A BOR LOPP is a contractual right given to a non-Federal entity to use a BOR asset (e.g. dam or conduit) for electric power generation consistent with BOR project purposes.

The BOR has conducted LOPP outreach with stakeholder groups and hydropower industry associations; and made resources and staff available via a LOPP website: <https://www.usbr.gov/power/LOPP/index.html>. The BOR has also partnered with sister

⁶ See, <https://www.eia.gov/tools/faqs/faq.php?id=97&t=3>

agencies (United States Army Corps of Engineers and the Department of Energy) under the Memorandum of Understanding (MOU) for Hydropower to, in part, encourage and streamline non-Federal development on Federal infrastructure.

Through these activities, BOR has made resources available to developers and peeled back the barriers that may burden non-Federal hydropower development - while continuing to protect the Federal assets that our customers, operating partners, and stakeholders have depended on for over a century. The response BOR has received from these groups (including the development community) in this effort has been overwhelmingly positive. LOPP projects provide a source of reliable, domestic, and sustainable generation – that supports rural economies and the underlying Federal water resource project.

H. Bureau of Indian Affairs

The BIA provides services to nearly 2 million American Indians and Alaska Natives in 567 federally recognized tribes in the 48 contiguous States and Alaska. The BIA's natural resource programs assist tribes in the management, development, and protection of Indian trust land and natural resources on 56 million surface acres and 59 million subsurface mineral estates. These programs enable tribal trust landowners to optimize sustainable stewardship and use of resources, providing benefits such as revenue, jobs and the protection of cultural, spiritual, and traditional resources. Income from energy production is the largest source of revenue generated from trust lands, with royalty income of \$534 million in 2016.

Indian Energy Actions

i. Clarify "Inherently Federal Functions for Tribal Energy Resource Agreements (TERAs)

Tribal Energy Resource Agreements (TERAs) are authorized under Title V of the Energy Policy Act of 2005. A TERA is a means by which a tribe could be authorized to review, approve, and manage business agreements, leases, and rights-of-way pertaining to energy development on Indian trust lands, absent approval of each individual transaction by the Secretary. Interior promulgated TERA regulations in 2008 at 25 CFR part 224. The TERAs offer the opportunity to promote development of domestically produced energy resources on Indian land; however, 12 years after the passage of the Act and 9 years after the issuance of TERA regulations, not one tribe has sought Interior's approval for a TERA. One theory asserted by at least one tribe as to the failure of this legislation is the Act does not address precisely how much Federal oversight would disappear for tribes operating under TERAs. Specifically, Interior had not defined the term "inherently Federal functions" that Interior will retain following approval of a TERA. This term appears in Interior's regulations at 25 CFR §§ 224.52(c) and 224.53(e)(2), but not in the Act. Without some assurance as to the benefits (in terms of less Federal oversight) a tribe would receive through clarification of "inherently Federal functions," tribes have no incentive to undergo the intensive process of applying for a TERA. Clarification of this phrase would also address Recommendation 5 of GAO-15-502, *Indian Energy Development: Poor Management by BIA Has Hindered Energy Development on Indian Lands* (June 2015). The recommendation directed Interior to "provide additional energy

development-specific guidance on provisions of TERA regulations that tribes have identified to Interior as unclear.”

The BIA has been working closely with the Office of the Solicitor to develop guidance on how Interior will interpret the term “inherently Federal functions.” It is expected that by providing this certainty as to the scope of Federal oversight, tribes will better be able to justify the process of applying for a TERA. The BIA expects to have the guidance finalized and available on its website by October 2017.

The BIA anticipates that the benefits of this action will be to promote the use of TERAs, which will both save tribes the time and resources necessary to seek and obtain Interior approval of each transaction related to energy development on Indian land, and will help ease Interior’s workload by eliminating the need for Departmental review of each individual transaction.

The reduction in burden will be measured by the number of tribes that choose to obtain TERAs. Once each tribe obtains a TERA, Interior will work with the tribe to estimate savings in terms of time and resources.

I. Integrated Activity Plan for Oil & Gas in the National Petroleum Reserve – Alaska

Noting that the National Petroleum Reserve – Alaska (NPR-A) is the largest block of federally managed land in the United States and offers economically recoverable oil and natural gas, the Secretary issued an order focusing on management of this area in a manner that appropriately balances promoting development and protecting surface resources. *See Secretarial Order 3352, “National Petroleum Reserve – Alaska” (May 31, 2017).* Currently, 11 million acres (or 48 percent) of the total 22.8 million acres in the NPR-A are closed to leasing under the current Integrated Activity Plan (IAP). The Secretarial Order requires review and revision of the IAP for management of the area and, within the existing plan, maximizing the tracts offered during the next lease sale.

J. Mitigation

Implemented properly, mitigation can be a beneficial tool for advancing the Administration’s goals of American energy independence and security, while ensuring public resources are managed for the benefit and enjoyment of the public.

Interior seeks to establish consistent, effective and transparent mitigation principles and standards across all its Agencies. Interior and its bureaus and offices intends to develop consistent terminology, reduce redundancies, and simplify frameworks so that the Federal mitigation programs and stepped down programs are more predictable and consistent. Some mitigation is facilitated by goodwill and some is through our regulatory paradigm.

BLM

- i. Review and Revise Mitigation Manual Section (MS-1794) and Handbook (H-1794-1) Related to Mitigation, Which Provide Direction on the Use of Mitigation, Including Compensatory Mitigation, To Support the BLM's Multiple-Use and Sustained-Yield Mandates.*

The Mitigation Manual Section and Handbook provide direction on the use of mitigation, including compensatory mitigation, to support BLM's multiple use and sustained yield mandates. The BLM is reviewing whether the 2016 Manual and Handbook replaced several IMs (IM Numbers 2005-069, 2008-204, and 2013-142) issued by BLM for the same purpose.

The BLM is considering revisions to the Manual and Handbook to provide greater predictability (internally and externally), ease conflicts, and may reduce permitting/authorizations times.

Measuring success would be largely quantitative. The BLM would continue to track impacts from land use authorizations and would also track the type and amount of compensatory mitigation implemented and its effectiveness, preferably in a centralized database.

The BLM is drafting an IM that provides interim direction regarding new and ongoing mitigation practices while the Manual and Handbook are being reviewed and revised. Use of the existing Manual and Handbook would continue, as modified and limited by this IM, until they are superseded.

- ii. Review of Manual 6220 – National Monuments, National Conservation Areas, and Similar Designations (07/13/2012) To Assure That It Conforms to BLM's Revised Mitigation Guidance.*

Manual 6220 provides guidance for managing BLM National Conservation Lands designated by Congress or the President as National Monuments, National Conservation Areas, and similar designations (NM/NCA) in order to comply with the designating Acts of Congress and Presidential Proclamations, FLPMA, and the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7202). Manual 6220 requires that when processing a new ROW application, BLM will determine, to the greatest extent possible, through the NEPA process, the consistency of the ROW with the Monument or NCA's objects and values; consider routing or siting the ROW outside of the Monument or NCA; and consider mitigation of the impacts from the ROW. Land use plans must identify management actions, allowable uses, restrictions, management actions regarding any valid existing rights, and mitigation measures to ensure that the objects and values are protected. The manual requires that a land use plan for a Monument or NCA should consider closing the area to mineral leasing, mineral material sales, and vegetative sales, subject to valid existing rights, where that component's designating authority does not already do so.

A review of Manual 6220 to identify where clarity could be provided for mitigation, notification standards, and compatible uses, may potentially reduce or eliminate burdens. The BLM will review Manual 6220 following the proposed revisions to BLM Mitigation Manual Section (MS-1794) and Handbook (H-1794-1) to ensure that Manual 6220 conforms to the BLM's revised mitigation guidance.

Addressing any potential issues, along with providing consistency with BLM Mitigation Manual is expected to provide greater predictability (internally and externally), reduce conflicts, and may reduce permitting/authorizations times.

Success will be measured in BLM meeting legal obligations under the designating Act or Proclamation for each unit and the allowance of compatible multiple uses, consistent with applicable provisions in the designating Act or Proclamation.

iii. Other Reviews of BLM Manual Provisions

Secretarial Order 3349 also revoked a prior order regarding mitigation and directed bureaus to examine all existing policies and other documents related to mitigation and climate change. (See Secretarial Order 3330 "Improving Mitigation Policies and Practices of the Department of the Interior.") Actions Interior is taking to implement this direction include:

- **BLM Manual 6400 – Wild and Scenic Rivers, Policy and Program Direction for Identification, Evaluation, Planning, and Management (07/13/2012)**

Manual 6400 provides guidance for managing eligible and suitable wild and scenic rivers and designated wild and scenic rivers in order to fulfill requirements found in the Wild and Scenic Rivers Act (WSRA). Subject to valid existing rights, the Manual states that minerals in any Federal lands that constitute the bed or bank or are situated within 1/4 mile of the bank of any river listed under section 5(a) are withdrawn from all forms of appropriation under the mining laws, for the time periods specified in section 7(b) of the WSRA. The Manual allows new leases, licenses, and permits under mineral leasing laws be made, but requires that consideration be given to applying conditions necessary to protect the values of the river corridor. For wild river segments, the Manual requires that new contracts for the disposal of saleable mineral material, or the extension or renewal of existing contracts, should be avoided to the greatest extent possible to protect river values.

Manual 6400 will be reviewed following the proposed revisions to BLM Mitigation Manual Section and Handbook to ensure that it conforms to BLM revised mitigation guidance. Although the requirements for minerals and mineral withdrawals are legally mandated under the mining and mineral leasing laws in sections 9(a) and 15(2) of the WSRA, Manual 6400 will be reviewed for opportunities to clarify discretionary decision-space.

Ensuring consistency with the BLM Mitigation Manual will foster greater predictability (internally and externally), reduce conflicts, and may reduce

permitting/authorizations times.

Success will be measured in terms of complying with the WSRA and identifying and allowing compatible multiple uses.

- **BLM Manual 6280 – Management of National Scenic and Historic Trails and Trails under Study or Recommended as Suitable for Congressional Designation (09/14/2012)**

Manual 6280 provides guidance for managing trails under study, trails recommended as suitable, and congressionally designated National Scenic and Historic Trails to fulfill the requirements of the National Trails System Act (NTSA) and the Federal Land Policy and Management Act. Manual 6280 identifies mitigation as one way to address substantial interference with the natural and purposes for which a National Trail is designated.

Manual 6280 will be reviewed following the proposed revisions to the BLM Mitigation Manual Section and Handbook to ensure it conforms to the BLM revised mitigation guidance. Although many of the requirements are legally mandated under the National Trails System Act, Manual 6280 will be reviewed for opportunities to clarify any discretionary decision-space to reduce or eliminate burdens.

Addressing any potential issues, along with providing consistency with the BLM Mitigation Manual is expected to provide greater predictability (internally and externally), reduce conflicts, and may reduce permitting/authorizations time.

Success will be measured in terms of complying with the NTSA and identifying and allowing compatible multiple uses.

FWS

iv. *Compensatory Mitigation for Impacts to Migratory Bird Habitat*

The FWS has the authority to recommend, but not require, mitigation for impacts to migratory bird habitat under several Federal authorities. Pursuant to a Memoranda of Understanding with the Federal Energy Regulatory Commission (FERC), implementing EO13186 (January 10, 2001), FWS evaluates the impacts of FERC-licensed interstate pipelines to migratory bird habitat.

The FWS is developing Service-wide guidance to ensure the bureau is consistent, fair and objective, appropriately characterizes the voluntary nature of compensatory mitigation for impacts to migratory bird habitat, and demonstrates a reasonable nexus between anticipated impacts and recommended mitigation. The FWS anticipates it will take 3 months to finalize the guidance.

Guidance will result in timely and practicable licensing decisions, while providing for the conservation of migratory Birds of Conservation Concern.

Success will be measured by timely issuance of licenses that contain appropriate recommendations that do not impose burdensome costs to developers.

The FWS Regional and Field Offices will provide informal guidance through email and regularly scheduled conference calls to educate and remind staff of policy.

v. Mitigation Actions - Regulations and Policy Governing Candidate Conservation Agreements with Assurances (CCAs)

The CCAs are developed to encourage voluntary conservation efforts to benefit species that are candidates for listing by providing the regulatory assurance that take associated with implementing an approved candidate conservation agreement will be permitted under section 10(a)(1)(A) for the Endangered Species Act if the species is ultimately listed, and that no additional mitigation requirements will be imposed.

Recent revisions to the CCA regulations and policy and the adoption of “net conservation benefit” as an issuance standard has been perceived by some to impose an unnecessary, ambiguous, and burdensome standard that will discourage voluntary conservation. There are also concerns with the preamble language that suggested that CCAs may not be appropriate vehicles for permitting take of listed species resulting from oil and gas development activities.

The FWS will solicit public review and comment on the need and basis for a revision of the CCA regulation and associated policy for the purpose of evaluating whether it should maintain or revise the current regulation and policy or reinstate the former ones. The FWS anticipates that it will take 3 months to prepare the Federal Register Notice soliciting public review and comments. The FWS will then publish the Federal Register Notice with a 60-day comment period. Based upon comments received, FWS will decide whether and how to revise the regulation and policy.

The anticipated benefits will be ensuring the CCA standard is clear and encourages stakeholder participation in voluntary conservation of candidate and other at-risk species.

Success will be measured by FWS providing timely assistance to developers if they seek a CCA.

The FWS Headquarters will provide Regional and Field Offices with informal guidance through email and regularly scheduled conference calls to remind staff of the regulation and policy review.

vi. Mitigation Actions - FWS Mitigation Policy

In 2016, FWS finalized revisions to its 1981 Mitigation Policy, which guides FWS recommendations on mitigating the adverse impacts of land and water development on fish, wildlife, plants, and their habitats.

Some stakeholders believe the revised policy's mitigation planning goal exceeds statutory authority.

The FWS will solicit public review and comment for the purpose of evaluating the policy. The FWS anticipates that it will take 3 months to prepare the Federal Register Notice soliciting public review and comment on the policy. The FWS will then publish the Federal Register Notice with a 60-day comment period. Based upon comments received, FWS will decide whether and how to revise the policy.

The anticipated benefits will be timely and practicable mitigation recommendations by FWS staff to energy developers (and others) that promote conservation of species and their habitats.

Success will be measured by incorporation of recommendations without delays to the permitting or licensing process.

The FWS Headquarters will provide FWS Regional and Field Offices informal guidance through email and regularly scheduled conference calls to remind staff of the policy review.

vii. FWS ESA Compensatory Mitigation Policy

In 2016, FWS finalized its ESA Compensatory Mitigation Policy (CMP), which steps down and implements the 2016 revised the FWS Mitigation Policy (including the mitigation planning goal). The CMP was established to improve consistency and effectiveness in the use of compensatory mitigation. Its primary intent is to provide FWS staff with direction and guidance in the planning and implementation of compensatory mitigation.

Some stakeholders believe the mitigation planning goal exceeds statutory authority.

The FWS will solicit public review and comment for the purpose of evaluating whether it should modify the policy. Additional legal review will be undertaken after comments are reviewed. The FWS anticipates that it will take three months to prepare the Federal Register Notice soliciting public review and comment on the policy. The FWS will then publish the Federal Register Notice with a 60-day comment period. Based upon comments received, FWS will decide whether and how to revise the policy.

The anticipated benefits will be timely and practicable mitigation recommendations by FWS staff to energy developers (and others) that promote conservation of species and their habitats.

Success will be measured by incorporation of recommendations without delays to the permitting or licensing process.

The FWS Headquarters will provide FWS Regional and Field Offices informal guidance through email and regularly scheduled conference calls to remind staff of the policy review.

viii. Interim Guidance on Implementing the Final ESA Compensatory Mitigation Policy

This document provides interim guidance for implementing the Service's CMP. The guidance provides operational detail on the establishment, use, and operation of compensatory mitigation projects and programs as tools for offsetting adverse impacts to endangered and threatened species, species proposed as endangered or threatened, and designated and proposed critical habitat under the ESA.

Within 6 months of completing revisions to the ESA Compensatory Mitigation Policy (CMP) (or deciding revisions to the CMP are not necessary), FWS will revise the interim implementation guidance (to be consistent with the revised CMP) and make it available for public review and comment in the Federal Register for 60 days. Within 6 months of close of the comment period, FWS will publish the final implementation guidance in the Federal Register (Note: we anticipate that the implementation guidance may need to be reviewed under the Paperwork Reduction Act, which may affect the timeline).

The anticipated benefits will be timely and practicable mitigation recommendations by FWS staff to energy developers (and others) that promote conservation of species and their habitats.

Success will be measured by incorporation of recommendations without delays to the permitting or licensing process.

The FWS Headquarters will issue a memorandum to Regional and Field staff reiterating the limited applicability of the CMP's mitigation planning goal and that decisions related to compensatory mitigation must comply with the ESA and its implementing regulations.

K. Climate Change

Interior is reviewing bureau reports of the work conducted to identify requirements relevant to climate that can potentially burden the development or uses of domestically produced energy resources. Most of the bureaus found no existing requirements in place. A couple of bureaus have non-regulatory documents (i.e., handbook, memo, manual, guidance, etc.) that inwardly focus on their units and workforce management activities. Interior is reviewing these to better understand their connection to other management, operations and guidance documents.

BLM

The BLM rescinded its Permanent Instruction Memorandum (PIM) 2017-003 (Jan. 12, 2017).

This Permanent IM transmitted the CEQ guidance on consideration of greenhouse gas (GHG) emissions and the effects of climate change in NEPA reviews, and provided general guidelines for calculating reasonably foreseeable direct and indirect GHG emissions of proposed actions.

As the CEQ guidance was withdrawn pursuant to section 3 of EO13783, the BLM Permanent IM was rescinded. In the future, BLM will consider issuing new guidance to its offices on approaches for calculating reasonably foreseeable direct and indirect GHG emissions of proposed and related actions.

Any new IM would provide guidance on consideration of GHG emissions and the effects of climate change in NEPA reviews. The BLM is also developing a unified Air Resources Toolkit that can be used across all organizational levels to consistently calculate, as needed and appropriate, relevant air emissions for a variety of BLM resource management functions. Once available, this toolkit will expedite analysis of reasonably foreseeable GHG emissions associated with energy and mineral development.

V. Outreach Summary

To ensure that Interior is considering the input of all viewpoints affected by the identified actions to reduce the burden on domestic energy, Interior has been, and will continue to, seek from outside entities through various means of public outreach including, but not limited to, working closely with affected stakeholders. In accordance with Administrative Procedure Act requirements, the Department is seeking public input on each proposal to revise or rescind individual energy-related regulatory requirements. The Department is also considering input it receives as part of its regulatory reform efforts through www.regulations.gov when such input relates to energy-related regulations.

The Department's outreach efforts encompass state, local, and tribal governments, as well as stakeholders such as the Western Governors' Association, Interstate Mining Compact Commission, and natural resource and outdoorsmen groups. To comply with tribal consultation requirements, Interior will host a separate consultation with official representatives of tribal governments on matters that substantially affect tribes, in accordance with the Department's policy on consultation with tribal governments.

VI. Conclusion

Interior is aggressively working to put America on track to achieve the President's vision for energy dominance and bring jobs back to communities across the country. Working with state, local and tribal communities, as well as other stakeholders, Secretary Zinke is instituting sweeping reforms to unleash America's energy opportunities.

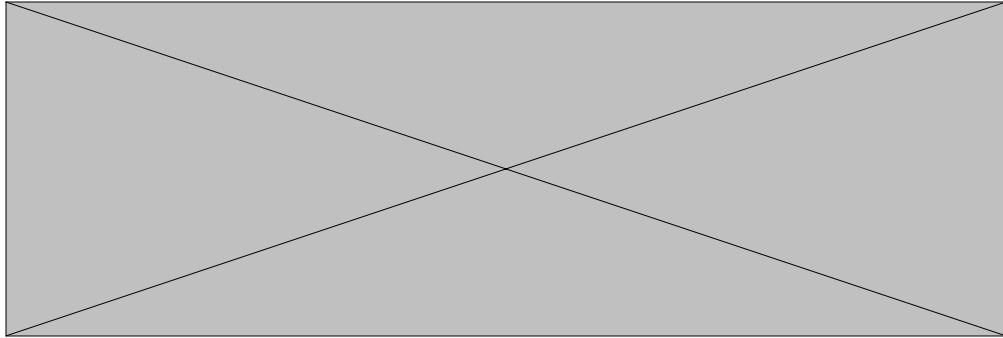
VII. Attachments

Secretarial Orders and Secretary's Memorandum

Cc: Brent Mead [REDACTED] (b)(6); Jennifer Butler[butler@spn.org]; ckitchens@rstreet.org[ckitchens@rstreet.org]; Parker Jeppesen[parker.jeppesen@strata.org]; Aaron Schutt[schutta@doyon.com]; Adrian Moore[adrian.moore@reason.org]; Alan Smith[asmith@rstreet.org]; Allan Brown[allanbrown@starpower.net]; Amos Eno[aeno@landcan.org]; Amy Cooke[amy@i2i.org]; Amy Sovocool[amy@conservationlegacy.org]; Andrew Nehring[anehring@spgdc.com]; Anne Mitchell[mainewoodscoalition@gmail.com]; Anthony Livanios[livanios@usenergystream.com]; Ashlee Lundvall[ashlee@ashleelundvall.com]; Ashley Varner[avarner@alec.org]; Barry Worthington[bworthington@usea.org]; Bartlett Cleland[bcleland@alec.org]; Benjamin Nasta[bnasta@funoutdoors.com]; Benjamin Zycher[Benjamin.Zycher@aei.org]; Bette Grande[bette@bettegrande.com]; Bill Sproul [REDACTED] (b)(6); Bob Carlstrom[bob@carlstromgroup.com]; Boyd Matheson[Boyd@sifreedom.org]; Brandon Arnold[barnold@ntu.org]; Brent Fewell[brent.fewell@earthandwatergroup.com]; Brent Gardner[bgardner@afphq.org]; Brett Healy[bhealy@maciverinstitute.com]; Brian Balfour[brian.balfour@nccivitas.org]; Brian Seasholes [REDACTED] (b)(6); Bruce Courtright[bcourtright@sisqtel.net]; Bruce Fogerty[bruce.fogerty@earthx.org]; Brydon Ross[BRoss@hbwresources.com]; Cameron Smith[csmith@rstreet.org]; Camille Ferguson[aianta.director@gmail.com]; Candice Boyer[cboyer@atr.org]; Caren Cowan[nmcga@nmagriculture.org]; Carli Dimino[cdimino@thelibreinitiative.com]; Carli Graham[cgraham@sutherlandinstitute.org]; Carrie Annand[carrie@usabiomass.org]; Caudill, Brian[bcaudill@aga.org]; Charles Cunningham[ccunningham@secureenergy.org]; Charles Hernick[chernick@citizensfor.com]; Charles Herring[charles@oann.com]; Charles Rigler [REDACTED] (b)(6); Charlie Riedl[charlie.riedl@ngsa.org]; Chris Edmonston[CEdmonston@boatus.com]; Chrissy Harbin[charbin@afphq.org]; Christian Robey[crobey@mrc.org]; Christine Hall[christine.hall@cei.org]; Christopher Krueger[cjk@nei.org]; Chuck DeVore[cdevore@texaspolicy.com]; Clint Woods [REDACTED] (b)(6); Craig Richardson[richardson@eelegal.org]; Daniel Peterson[dpeterson@jamesmadison.org]; Daren Bakst[daren.bakst@heritage.org]; Dave Wallace[dave.wallace@fairenergyfoundation.org]; David Brown[dbrown@americaoutdoors.org]; David Holt[dholt@hbwresources.com]; David Kreautzer[david.kreutzer@heritage.org]; David Stevenson [REDACTED] (b)(6); David Tenny[dtenny@nafoalliance.org]; David Wetmore[dwetmore@carpiclay.com]; David Williams[davidwilliams@protectingtaxpayers.org]; David Zayas (NHA)[David@hydro.org]; Derrick Crandall[dcrandall@funoutdoors.com]; Derrick Hollie[dhollie@reachingamerica.org]; Dipka Bhambhani[dbhambhani@usea.org]; Ed Tillett[etillett@waterwayguide.com]; Eli Lehrer[elehrer@rstreet.org]; Elizabeth Wright[ewright@cagw.org]; Ellen Hopkins[ehopkins@nmma.org]; Eric Carleson[ecarleson@calog.com]; Erica Crocker[ecrocker@nmma.org]; Erik Milito[militoe@api.org]; Ethan Lane[elane@beef.org]; Eunie Smith[alaeagle@charter.net]; Forest Thigpen[thigpen@mspolicy.org]; Francis Deluca[francis.deluca@nccivitas.org]; Fred Birnbaum[fred@idahofreedom.net]; Gaddi Vasquez[gaddi.vasquez@edisonintl.com]; Grant Kidwell[gkidwell@afphq.org]; Greg Walcher [REDACTED] (b)(6); Gregg Keller[gregg@atlasstrategygroup.com]; Grover Norquist[gnorquist@atr.org]; Gustavo Portela[gjp@hispanicleadershipfund.org]; Hannah Downey[hannah@perc.org]; Harbert, Karen[kharbert@uschamber.com]; Heather Reams[hreams@citizensfor.com]; Iain Murray[iain.murray@cei.org]; Isaac Orr[lorr@heartland.org]; James Franko[james.franko@kansaspolicy.org]; James Taylor[JTaylor@sparkoffreedomfoundation.org]; James Voyles[JVoyles@hbwresources.com]; Jami Bayles [REDACTED] (b)(6); Janine Hansen[director@nevadafamilies.org]; Jason Burwen[j.burwen@energystorage.org]; Jean Gould[jgould@pesa.org]; Jeff Leahey[jeff@hydro.org]; Jennifer Fielder[jennifer@americanlands council.org]; Jim Presswood[jpresswood@esalliance.org]; Jim Tynen[jim.tynen@nccivitas.org]; John Broughel[jbroughel@mercatus.gmu.edu]; John Hines[john.hines@oann.com]; John Nelson[john@schoeningstrategies.com]; John Nothdrift[john@heartlandinstitute.org]; Jon Russell[jrussell@alec.org]; Jon Sanders[jsanders@johnlocke.org]; Jonathan Haines[jonathan@sparkfreedom.org]; Jonathan Shuffield[jshuffield@naco.org]; Jonathan Small[jonathan@ocpathink.org]; Jonathan Williams[jwilliams@alec.org]; Jorge Lima[jlima@thelibreinitiative.com]; Josiah Neeley[jneeley@rstreet.org]; Judd Swift[jswift@synfuelsus.com]; Julia Seymour[jseymour@mrc.org]; Julian Morris[julian.morris@reason.org]; Justin Sykes[JSykes@afpm.org]; Karen

Lugo[klugo@texaspolicy.com]; Karla Jones[kjones@alec.org]; Katherine Telford[katherine.telford@aei.org]; Kathleen O'Hearn[ohearn@spn.org]; Kathleen Sgamma[ksgamma@westernenergyalliance.org]; Kathy McDonald [REDACTED] (b)(6); Katie Kerschner[kkerschner@texaspolicy.com]; Katie Tubb[katie.tubb@heritage.org]; Katrina Currie[kmc@commonwealthfoundation.org]; Ken Cuccinelli [REDACTED] (b)(6); Ken Green[ken.green@fraserinstitute.org]; Kenneth Artz[REDACTED] (b)(6); Kim Crockett[kim.crockett@americanexperiment.org]; Kim Husky[kim@clamandoyster.com]; Larry Alexander[lalexander@sisqtel.net]; Linda Yasinsac[lyasinsac@60plus.org]; Lindsey Burke[lindsey.burke@heritage.org]; Lisa Nelson[lnelson@alec.org]; Logan Pike[pike@heartland.org]; Luke Popovich[lpopovich@nma.org]; Lyle Laverty[Lyle@thelavertygroup.com]; Lynn Abramson[labramson@cebn.org]; M Glans[mglans@heartland.org]; Mac Zimmerman[mzimmerman@afphq.org]; Manuel Rosales[mrosales@thelatinocoalition.com]; Marc Morano[morano@climatedepot.com]; Marcus Nichol[mrn@nei.org]; Margo Thorning[mthorning@accf.org]; Mark Truax[truax@pacwestcom.com]; Marlo Lewis[marlo.lewis@cei.org]; Martha Boneta[info@ctfr.org]; Matthew Anderson[Matt@sifreedom.org]; Megan Ingram[mingram@texaspolicy.com]; Michael Bowman[mbowman@alec.org]; Michael Rains [REDACTED] (b)(6); Michael Whatley[MWhatley@hbwresources.com]; Michi Iljazi[michi@conservative.org]; Mike Thompson [REDACTED] (b)(6); Myron Ebell[myron.ebell@cei.org]; Naughton, Janet[Janet.Naughton@heritage.org]; Nick Loris[nick.loris@heritage.org]; Nick Murray[nmurray@mainepolicy.org]; Nicole Kaeding[nkaeding@cato.org]; Pam Borda[pam@nnrda.com]; Patrick Gleason[pgleason@atr.org]; Patrick Hedger[phedger@freedomworks.org]; Paul Bachman[pbachman@beaconhill.org]; Paul Blair[pblair@atr.org]; Paul Driessen [REDACTED] (b)(6); Paul Gessing[pgessing@riograndefoundation.org]; Paul Phillips[Phillips@pacwestcom.com]; Peter Nelson[peter.nelson@americanexperiment.org]; Phil Kerpen[phil@americancommitment.org]; Pinar Cebi[pcebi@accf.org]; Rachel Kopec [REDACTED] (b)(6); Randy Parker[randy.parker@fbfs.org]; Ray Haupt[rhaupt@sisqtel.net]; Rebecca Bowen[rbowen@mercatus.gmu.edu]; Rich Powell[powell@clearpath.org]; Richard Lunam[richard.lunam@conocophillips.com]; Rob Sisson[rsisson@conservamerica.org]; Robert Bradley[rbradley@iertx.org]; Robert Bryce[robert@robertbryce.com]; Robert D. Thompson [REDACTED] (b)(6); Robert Henneke[rhenneke@texaspolicy.com]; Ron Wilson[rwilson@doyondrilling.com]; Sal Nuzzo[snuzzo@jamesmadison.org]; Sarah Gainer[sarah.gainer@chk.com]; Sarah Hunt[shunt@alec.org]; Scott Walter[swalter@capitalresearch.org]; Shawn Regan[shaw@perc.org]; Shoshanna Weissman[sweissmann@rstreet.org]; Spencer Chretien[schretien@cagw.org]; Spencer Nelson[nelson@clearpath.org]; Stan Summers [REDACTED] (b)(6); Sterling Burnett[hsburnett@heartland.org]; Steve Pociask[steve@theamericanconsumer.org]; Suzanne Swink[suzanne.swink@bp.com]; Tabitha Walter[Tabitha@eagleforum.org]; Taylor Barkley[taylor.barkley@cei.org]; Teresa Imm[timm@asrc.com]; Thomas Pyle[tpyle@energydc.org]; Thomas Schatz[tschatz@cagw.org]; Todd Davidson[davidson@spn.org]; Todd Gaziano[TGaziano@pacificlegal.org]; Todd Myers[tmyers@washingtonpolicy.org]; Tom Clougherty[tom.clougherty@reason.org]; Tracee Bentley[bentleyt@api.org]; Verma, Puneet (puve)[pverma@chevron.com]; Vicki Dixon [REDACTED] (b)(6); Wayne Brough[wbrough@freedomworks.org]; Wendy Shepherd[wshepherd@synfuelsus.com]; Wilhelm Meierling[wmeierling@alec.org]; William Derr[billlecfm@me.com]; William Murray[wmurray@rstreet.org]; William Yeatman[wyeatman@cei.org]

From: Funes, Jason
Sent: 2017-11-13T16:22:00-05:00
Importance: Normal
Subject: Fwd: Secretary Zinke & BLM invite sportsmen to enjoy upcoming deer season at the Sabinoso Wilderness
Received: 2017-11-13T16:23:40-05:00



Date: November 9, 2017
Contact: Interior_Press@ios.doi.gov

Secretary Zinke & BLM invite sportsmen to enjoy upcoming deer season at the Sabinoso Wilderness

Donation of 3,500 Acres of land made the Sabinoso publicly accessible for first time ever

Taos, N.M. – U.S. Secretary of the Interior Ryan Zinke and the Bureau of Land Management are pleased to announce that the Sabinoso Wilderness – which contains some of the most pristine habitat in the country for elk, mule deer, and other wildlife – is for the first time ever accessible to the public for hunting, fishing, and other recreational activities. The 16,000-acre Sabinoso was previously wholly surrounded by non-federal land, making it inaccessible to the general public. However, a donation of 3,595 acres (formerly known as the Rimrock Rose Ranch) that are adjacent to Sabinoso Wilderness was accepted by the Secretary and is now public.

"I'm happy to announce today the Sabinoso Wilderness Area is finally open and accessible to hunters and all members of the public for the first time ever," **said Secretary Zinke**. "Expanding access to hunting, fishing, and recreation on federal lands is one of my top priorities as Secretary. I originally had concerns about adding more wilderness-designated area, however after hiking and riding the land it was clear that access would only be improved. Thanks to the donation of a private organization, we we continue to move toward delivering this nonpartisan win for sportsmen and the community."

"The BLM strives to be a good neighbor in the communities we serve, and along with our partners we are pleased to better connect the public to the Sabinoso," **said Acting BLM Director Michael D. Nedd**. "This action will provide folks with exceptional opportunities for hunting and fishing, as well as outdoor activities such as hiking, horseback riding, and backcountry camping in a pristine environment."

"The Mule Deer Foundation commends Secretary Zinke on the completion of this project which will go a long way toward expanding and enhancing opportunities to access otherwise difficult to reach lands," **said Miles Moretti, President/CEO of MDF**. "This is yet another example of Secretary Zinke's execution of a pro-sportsman policy agenda which he announced immediately upon being sworn in to his position."

“For years, hunters and anglers have called on Congress and federal agencies to help us gain access to landlocked public lands. We applaud Secretary Zinke for his commitment to this priority and look forward to ‘unlocking the gate’ so that America’s sportsmen and women can experience what the Sabinoso has to offer by truly ‘Making Public Lands Public’,” **said Jeff Crane, President of the Congressional Sportsmen’s Foundation.**

Encompassing approximately 16,000 acres in northeastern New Mexico, the Sabinoso Wilderness previously was fully surrounded by private land, making it inaccessible to the public. However, by adding the donated land – approximately 3,500 acres formerly known as the Rimrock Rose Ranch – the Sabinoso now connects with neighboring BLM-managed land, making it publicly accessible for the first time since its Congressional designation as a Wilderness Area in 2009.

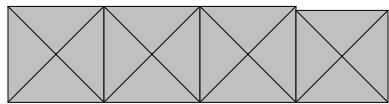
Now that the area is fully accessible, the BLM invites the public to experience the Sabinoso’s unique and wild beauty. However, please be aware that Sabinoso is a wilderness area, and along with that designation the following items are prohibited: motorized vehicles and equipment, aircraft (including drones), and mechanical transport including off-road vehicles and bicycles.

For more information, please visit <https://www.blm.gov/programs/national-conservation-lands/new-mexico/sabinoso-wilderness> or call acting BLM Taos Field Manager Brad Higdon at 575-758-1620.

-BLM-

The BLM manages more than 245 million acres of public land, the most of any federal agency. This land is primarily located in 12 Western states, including Alaska. The BLM also administers 700 million acres of sub-surface mineral estate throughout the nation. The BLM's mission is to manage and conserve the public lands for the use and enjoyment of present and future generations under our mandate of multiple-use and sustained yield.”

###



To: Funes, Jason[jason_funes@ios.doi.gov]
From: Brent Gardner
Sent: 2017-11-17T14:19:19-05:00
Importance: Normal
Subject: Automatic reply: "Finally!" Secretary Zinke welcomes confirmation of Reclamation Nominee
Received: 2017-11-17T14:19:29-05:00

I am out of the office until Monday November 20th and will have intermittent access to email. Some responses may be delayed. For immediate assistance please contact Mac Zimmerman at mzimmerman@afphq.org

Many thanks,
Brent

To: Funes, Jason[jason_funes@ios.doi.gov]
From: Chrissy Harbin
Sent: 2017-11-28T12:37:38-05:00
Importance: Normal
Subject: tax reform
Received: 2017-11-28T12:37:55-05:00

Provision	House Bill	Senate Bill
Corporate Tax Rate	Reduce from 35% to 20% beginning Jan. 1, 2018	Reduce from 35% to 20% beginning Jan. 1, 2019
Pass-through Tax Rate	70% of income taxed at normal individual rates 30% of income taxed at 25% Special 9% rate for small business pass throughs Preferential 25% rate does not apply to service providers (lawyers, doctors, etc) Can apply for different treatment given your facts and circumstances	17.4% deduction on taxable business income; then taxed at normal individual rates Small-business service providers can qualify for the deduction
Individual Rates	Four tax Brackets: 12%, 25%, 35%, and 39.6% Benefit of 12% bracket phases out at \$1 million for individuals and \$1.2 million for married ("bubble" tax)	Seven Tax Brackets: 10%, 12%, 22.5%, 25%, 32.5%, 35%, and 38.5%

To: Chrissy Harbin[CHarbin@afphq.org]
From: Funes, Jason
Sent: 2017-11-28T12:52:09-05:00
Importance: Normal
Subject: Re: tax reform
Received: 2017-11-28T12:52:49-05:00

Go get'm Chrissy, America wants tax reform!!

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
Office: (202) 208-5541

On Tue, Nov 28, 2017 at 12:37 PM, Chrissy Harbin <CHarbin@afphq.org> wrote:

Provision	House Bill	Senate Bill
Corporate Tax Rate	Reduce from 35% to 20% beginning Jan. 1, 2018	Reduce from 35% to 20% beginning Jan. 1, 2019
Pass-through Tax Rate	70% of income taxed at normal individual rates 30% of income taxed at 25% Special 9% rate for small business pass throughs Preferential 25% rate does not apply to service providers (lawyers, doctors, etc) Can apply for different	17.4% deduction on taxable business income; then taxed at normal individual rates Small-business service providers can qualify for the deduction

	treatment given your facts and circumstances	
Individual Rates	<p>Four tax Brackets: 12%, 25%, 35%, and 39.6%</p> <p>Benefit of 12% bracket phases out at \$1 million for individuals and \$1.2 million for married (“bubble” tax)</p>	<p>Seven Tax Brackets: 10%, 12%, 22.5%, 25%, 32.5%, 35%, and 38.5%</p>

To: Funes, Jason[jason_funes@ios.doi.gov]
From: Brent Gardner
Sent: 2017-11-29T20:10:05-05:00
Importance: Normal
Subject: Automatic reply: News Release: Interior Executes Water Rights Settlement Agreement with Pechanga Band of Luiseño Mission Indians
Received: 2017-11-29T20:10:14-05:00

I am out of the office through December 7th and will have extremely limited access to email. Please contact Mac Zimmerman at mzimmerman@afphq.org for assistance during this time.

Many thanks,
Brent

To: Funes, Jason[jason_funes@ios.doi.gov]
From: Grant Kidwell
Sent: 2017-12-01T13:56:17-05:00
Importance: Normal
Subject: Moving On
Received: 2017-12-01T13:56:26-05:00

I wanted to let you know that I am moving on from Americans for Prosperity and heading over to the American Exchange Council where I will be the Director of the Energy, Environment, and Agriculture Task Force. My new email address will be gkidwell@alec.org.

Best Wishes,

Grant Kidwell | Senior Policy Analyst| Americans for Prosperity
M: (571) 429-0533 | E: gkidwell@afphq.org

To: Todd_Wynn@ios.doi.gov[Todd_Wynn@ios.doi.gov]; jason_funes@ios.doi.gov[jason_funes@ios.doi.gov]
From: Chrissy Harbin
Sent: 2017-12-04T19:26:07-05:00
Importance: Normal
Subject: AFP Praises Trump Administration Move to Reduce Federal Land Grab - Americans for Prosperity
Received: 2017-12-04T19:26:18-05:00

<https://americansforprosperity.org/afp-praises-trump-administration-move-reduce-federal-land-grab/>

AFP Praises Trump Administration Move to Reduce Federal Land Grab

Dec 4, 2017 by AFP

Salt Lake City, UT – Americans for Prosperity today commended President Trump and Secretary of the Interior Ryan Zinke’s announcement that the federal land seizures at Bears Ears and Grand Staircase-Escalante National Monuments will be reduced. Under Presidents Obama and Clinton, millions of acres at these monuments were seized from the state of Utah under the Antiquities Act.

The Antiquities Act, created in 1906, allows the president to unilaterally designate national monuments without local or congressional approval. Both monuments were part of a comprehensive review by Secretary Zinke that examined national monument designations under previous administrations.

The Antiquities Act has been abused and misused in recent decades from its intended purpose of protecting “the smallest area possible compatible with proper care and management of the objects.” The first national monument designated by President Theodore Roosevelt under the Antiquities Act was just 1,200 acres; Bears Ears is 1.35 million acres and Grand Staircase-Escalante are 1.9 million. According to Secretary Zinke, Bears Ears will still be larger than, Zion and Bryce National Parks, Utah’s two national parks combined.

Americans for Prosperity Vice President of External Affairs, Chrissy Harbin released the following statement:

“Previous administrations abused their power under the Antiquities Act in order to keep land off limits. President Trump and Secretary Zinke’s actions in reviewing and resizing past administration’s monument designations is a welcome step in reducing government overreach. We will continue to work with lawmakers in Congress and the Department of Interior to prioritize conservation efforts, encourage sustainable economic development, and empower the voice of local communities.”

Americans for Prosperity-Utah’s State Director, Evelyn Everton released the following statement:

“President Trump’s decision to resize these national monuments after historic federal land seizures is a huge victory for the state of Utah. With over \$18 billion of maintenance work needed on federal lands managed by federal agencies, the federal government has proven to be a poor caretaker of federal lands. We applaud the Trump administration’s actions in ensuring local economies that depend on the land’s resources will not be harmed and important historic objects and sites at national monuments will be protected. This will increase economic competitiveness, especially in rural parts of the state.”

For further information or an interview, reach Andres Malave at AMalave@afphq.org.

Americans for Prosperity (AFP) exists to recruit, educate, and mobilize citizens in support of the policies and goals of a free society at the local, state, and federal level, helping every American live their dream – especially the least fortunate. AFP has more than 3.2 million activists across the nation, a local infrastructure that includes 36 state chapters, and has received financial support from more than 100,000 Americans in all 50 states. For more information, visit www.AmericansForProsperity.org

Sent from my iPhone

To: Jason Funes[jason_funes@ios.doi.gov]; Todd_Wynn@ios.doi.gov[Todd_Wynn@ios.doi.gov]
From: Chrissy Harbin
Sent: 2017-12-07T13:05:00-05:00
Importance: Normal
Subject: Fwd: Antiquities Act
Received: 2017-12-07T13:05:33-05:00

Heads up that we have an oped coming out this weekend -- will send the link when it's up!

In the meantime, here's a recent blog post with applause --
<https://americansforprosperity.org/bears-ears-ends-era-executive-overreach-antiquities-act-abuses/>

Sent from my iPhone

Begin forwarded message:

From: Andres Malave <Amalave@InPursuitOf.com>
Date: December 7, 2017 at 12:54:31 PM EST
To: Chrissy Harbin <CHarbin@afphq.org>
Subject: Fwd: Antiquities Act

FYI

Sent from my iPhone

Begin forwarded message:

From: John Bicknell <jbicknell@inpursuitof.com>
Date: December 7, 2017 at 12:44:19 PM EST
To: Andres Malave <Amalave@InPursuitOf.com>, Evelyn Everton <EEverton@afphq.org>
Subject: Antiquities Act

Evelyn and Andres,
The Deseret News says they'll run the Antiquities Act piece, most likely this weekend.
jb

John Bicknell
Editorial Director
JBicknell@InPursuitOf.com
Cell: 571-384-9612

Desk: 571-444-2935

To: charbin@afphq.org[charbin@afphq.org]
From: Funes, Jason
Sent: 2017-12-07T13:05:27-05:00
Importance: Normal
Subject: Out of the Office Re: Fwd: Antiquities Act
Received: 2017-12-07T13:05:34-05:00

Thank you for reaching out, yet I will be in Tennessee for work until the end of the week. I will check emails periodically yet may not get back to you until Monday.
If needed reach out to me via cell phone.

If this is regarding any Christmas RSVP's, please use the link on the invitation to RSVP via the Google Doc. For information regarding the event, I will respond as promptly as possible but if it is a Christmas emergency, email: natalie_davis@ios.doi.gov

Have a great day,
Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
Office: (202) 208-5541
Cell: (202) 897-7189

--
Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
Office: (202) 208-5541

To: Chrissy Harbin[CHarbin@afphq.org]
Cc: Todd_Wynn@ios.doi.gov[Todd_Wynn@ios.doi.gov]
From: Jason Funes
Sent: 2017-12-07T13:46:00-05:00
Importance: Normal
Subject: Re: Antiquities Act
Received: 2017-12-07T13:46:26-05:00

This is fantastic, thanks again!!

Are you here at the ALEC conference? I'm here and will be presenting later :)

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
(202) 208-5541

On Dec 7, 2017, at 12:05 PM, Chrissy Harbin <CHarbin@afphq.org> wrote:

Heads up that we have an oped coming out this weekend -- will send the link when it's up!

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FYI

Sent from my iPhone

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Subject: Antiquities Act

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Desk: 571-444-2935

To: Jason Funes[jason_funes@ios.doi.gov]
Cc: Todd_Wynn@ios.doi.gov[Todd_Wynn@ios.doi.gov]
From: Chrissy Harbin
Sent: 2017-12-07T13:48:14-05:00
Importance: Normal
Subject: Re: Antiquities Act
Received: 2017-12-07T13:48:27-05:00

Unfortunately missing out this year -- Grant Kidwell is there, though!! Hope your presentation goes well!

Sent from my iPhone

On Dec 7, 2017, at 1:46 PM, Jason Funes <jason_funes@ios.doi.gov> wrote:

This is fantastic, thanks again!!

Are you here at the ALEC conference? I'm here and will be presenting later :)

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
(202) 208-5541

On Dec 7, 2017, at 12:05 PM, Chrissy Harbin <CCharbin@afphq.org> wrote:

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Desk: 571-444-2935

To: Jason Funes[jason_funes@ios.doi.gov]
Cc: Todd_Wynn@ios.doi.gov[Todd_Wynn@ios.doi.gov]
From: Chrissy Harbin
Sent: 2017-12-10T17:41:28-05:00
Importance: Normal
Subject: Re: Antiquities Act
Received: 2017-12-10T17:41:34-05:00

Deseret News OpEd | Evelyn Everton: [Op-ed: Systematic review of monument designations is an important check on unilateral power](#)

Sent from my iPhone

On Dec 7, 2017, at 1:48 PM, Chrissy Harbin <CCharbin@afphq.org> wrote:

Unfortunately missing out this year -- Grant Kidwell is there, though!! Hope your presentation goes well!

Sent from my iPhone

On Dec 7, 2017, at 1:46 PM, Jason Funes <jason_funes@ios.doi.gov> wrote:

This is fantastic, thanks again!!

Are you here at the ALEC conference? I'm here and will be presenting later :)

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
(202) 208-5541

On Dec 7, 2017, at 12:05 PM, Chrissy Harbin <CCharbin@afphq.org> wrote:

Heads up that we have an oped coming out this weekend --
will send the link when it's up!

In the meantime, here's a recent blog post with applause --

<https://americansforprosperity.org/bears-ears-ends-era-executive-overreach-antiquities-act-abuses/>

Sent from my iPhone

Begin forwarded message:

From: Andres Malave
[<Amalave@InPursuitOf.com>](mailto:Amalave@InPursuitOf.com)
Date: December 7, 2017 at 12:54:31 PM EST
To: Chrissy Harbin <Charbin@afphq.org>
Subject: Fwd: Antiquities Act

FYI

Sent from my iPhone

Begin forwarded message:

From: John Bicknell
[<jbicknell@inpursuitof.com>](mailto:jbicknell@inpursuitof.com)
Date: December 7, 2017 at 12:44:19 PM EST
To: Andres Malave <Amalave@InPursuitOf.com>, Evelyn
Everton
[<EEverton@afphq.org>](mailto:EEverton@afphq.org)
Subject: Antiquities Act

Evelyn and Andres,
The Deseret News says they'll run
the Antiquities Act piece, most
likely this weekend.
jb

John Bicknell
Editorial Director
JBicknell@InPursuitOf.com
Cell: 571-384-9612

Desk: 571-444-2935

To: Chrissy Harbin[CHarbin@afphq.org]
Cc: Todd_Wynn@ios.doi.gov[Todd_Wynn@ios.doi.gov]
From: Funes, Jason
Sent: 2017-12-10T19:04:57-05:00
Importance: Normal
Subject: Re: Antiquities Act
Received: 2017-12-10T19:05:29-05:00

Thanks for sharing this article with us!!

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
Office: (202) 208-5541

On Sun, Dec 10, 2017 at 5:41 PM, Chrissy Harbin <CHarbin@afphq.org> wrote:

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To: Chrissy Harbin[charbin@afphq.org]; Loris, Nick[Nick.Loris@heritage.org]; Katie Tubb[katie.tubb@heritage.org]
Cc: Todd Wynn[todd_wynn@ios.doi.gov]; Renner, Elinor[elinor_renner@ios.doi.gov]
From: Funes, Jason
Sent: 2017-12-19T14:20:47-05:00
Importance: Normal
Subject: VIP Lincoln Memorial Tour - RSVP Immediately
Received: 2017-12-19T14:21:24-05:00

Chrissy, Katie, & Nick,
On behalf of Todd and I we wanted to extend to you this once in a lifetime opportunity.
The Secretary is leading end of the year tours of the Lincoln Memorial. These tours are closed to the public and can only be accessed by the Secretary of the Interior.
This includes a guided tour of the basement, where you can view graffiti from workers who helped to build the Memorial and the stalagmites and stalactites throughout the underground, and the fantastic view of Washington from the rooftop.

The time available for this tour is: Wednesday 12/20/17 from 4pm - 4:45pm
Please RSVP with our wonderful DOI commander Elinor Renner who is CC'd to this email.
Merry Christmas,

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
Office: (202) 208-5541

To: Funes, Jason[jason_funes@ios.doi.gov]; Loris, Nick[Nick.Loris@heritage.org]; Katie Tubb[katie.tubb@heritage.org]
Cc: Todd Wynn[todd_wynn@ios.doi.gov]; Renner, Elinor[elinor_renner@ios.doi.gov]
From: Chrissy Harbin
Sent: 2017-12-19T15:09:10-05:00
Importance: Normal
Subject: Re: VIP Lincoln Memorial Tour - RSVP Immediately
Received: 2017-12-19T15:09:22-05:00

Thank you so much for the invite, I would absolutely love to go! Can't wait!

Chrissy Harbin | Vice President of External Affairs | Americans for Prosperity
M: (202) 560-1691 | E: charbin@afphq.org | T: [@ChrissyHarbin](tel:@ChrissyHarbin)

From: "Funes, Jason" <jason_funes@ios.doi.gov>
Date: Tuesday, December 19, 2017 at 2:21 PM
To: Chrissy Harbin <CHarbin@afphq.org>, "Nick.Loris@heritage.org"
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To: Todd Wynn[todd_wynn@ios.doi.gov]; Funes, Jason[jason_funes@ios.doi.gov]; Renner, Elinor[elinor_renner@ios.doi.gov]
From: Chrissy Harbin
Sent: 2017-12-20T18:48:01-05:00
Importance: Normal
Subject: Thank you!!
Received: 2017-12-20T18:48:08-05:00

Hey guys -- Thank you so much including me on the tour today. What a fun experience! I appreciate it. Merry Christmas. -- Chrissy

Sent from my iPhone

On Dec 19, 2017, at 3:09 PM, Chrissy Harbin <CHarbin@afphq.org> wrote:

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Merry Christmas,
Jason Funes

**Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
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Office: (202) 208-5541**

To: Wynn, Todd[todd_wynn@ios.doi.gov]
Cc: Chrissy Harbin[CHarbin@afphq.org]; Renner, Elinor[elinor_renner@ios.doi.gov]
From: Jason Funes
Sent: 2017-12-21T07:32:45-05:00
Importance: Normal
Subject: Re: Thank you!!
Received: 2017-12-21T07:32:53-05:00

The Department of the Interior Energy and Fun comes through once again!!

Congratulations on Tax Reform!

Merry Christmas!!

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
(202) 208-5541

On Dec 21, 2017, at 7:03 AM, Wynn, Todd <todd_wynn@ios.doi.gov> wrote:

Thanks for coming out and spending some time with us in between celebrations of tax reform!
Todd

On Wed, Dec 20, 2017 at 6:48 PM, Chrissy Harbin <CHarbin@afphq.org> wrote:

Hey guys -- Thank you so much including me on the tour today. What a fun experience! I appreciate it. Merry Christmas. -- Chrissy

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Intergovernmental and External Affairs

Office of the Secretary

Department of the Interior

Office: (202) 208-5541

--

Todd M. Wynn
Director of the Office of Intergovernmental and External Affairs
Office of the Secretary
U.S. Department of the Interior
Desk: (202) 208-6649
Cell: (202) 897-7269

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To: Todd_Wynn@ios.doi.gov[Todd_Wynn@ios.doi.gov]; Jason Funes[jason_funes@ios.doi.gov]
From: Chrissy Harbin
Sent: 2018-01-05T10:59:56-05:00
Importance: Normal
Subject: AFP Praises Trump Administration, Interior Secretary Zinke for Advancing Offshore Natural Resource Development - Americans for Prosperity
Received: 2018-01-05T11:00:24-05:00

Hi guys -- Thanks for your leadership on this issue! Here are two statements of applause, one from AFP and the other from Freedom Partners.

Also following up on something Jason and I were discussing elsewhere -- would you have time for a call early next week with some select state directors and AFP comms to discuss regional engagement on the issue? I can pull together. Does Monday or Tuesday work?

Interior Department Takes Positive Steps to Advance Offshore Natural Resource Development, Economic Growth & Greater Prosperity

<https://freedompartners.org/latest-news/interior-department-takes-positive-steps-advance-offshore-natural-resource-development-economic-growth-greater-prosperity/>

<https://americansforprosperity.org/afp-praises-trump-administration-interior-secretary-zinke-advancing-offshore-natural-resource-development/>

AFP Praises Trump Administration, Interior Secretary Zinke for Advancing Offshore Natural Resource Development

Jan 5, 2018 by AFP

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AFP has consistently advocated for policies that help keep energy costs low, often by removing barriers to domestic energy production. The National OCS Program proposes to make over 90 percent of the total OCS acreage and more than 98 percent of undiscovered, technically recoverable oil and gas resources in federal offshore areas available to consider for future exploration and development.

AFP's Vice President of External Affairs Chrissy Harbin issued the following statement:

Thursday's announcement follows through on President Trump's promise to remove the barriers to domestic energy production that have stifled economic growth and job creation over the past decade.

Responsibly developing these areas means more affordable domestic energy, more jobs, more opportunity and a stronger economy for hardworking Americans. We applaud the administration for taking the next steps to develop this energy resource and look forward to continuing working with them to roll back the Obama-era regulatory state.

For further information or an interview, reach Levi Russell at LRussell@afphq.org or (703) 853-4090.

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###

Sent from my iPhone

To: Wynn, Todd[todd_wynn@ios.doi.gov]
Cc: Jason Funes[jason_funes@ios.doi.gov]
From: Chrissy Harbin
Sent: 2018-01-08T13:21:16-05:00
Importance: Normal
Subject: Re: AFP Praises Trump Administration, Interior Secretary Zinke for Advancing Offshore Natural Resource Development - Americans for Prosperity
Received: 2018-01-08T13:21:26-05:00

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Sent from my iPhone

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Tuesday 9am-11am, 1130-1pm, 2-4pm

Todd

On Fri, Jan 5, 2018 at 11:06 AM, Wynn, Todd <todd_wynn@ios.doi.gov> wrote:

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Todd M. Wynn
Director of the Office of Intergovernmental and External Affairs
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Importance: Normal
Subject: Re: AFP Praises Trump Administration, Interior Secretary Zinke for Advancing Offshore Natural Resource Development - Americans for Prosperity
Received: 2018-01-08T13:31:28-05:00

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Received: 2018-01-08T14:26:36-05:00

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Arlington, Va. – Americans for Prosperity, the

nation's leading grassroots advocate for economic freedom, praised Secretary of the Interior Ryan Zinke following Thursday's announcement that his department is taking steps to develop the National Outer Continental Shelf Oil and Gas Leasing Program (National OCS Program). The grassroots group welcomed the move as one that would lower energy costs for hardworking Americans and increase our nation's energy independence.

AFP has consistently advocated for policies that help keep energy costs low, often by removing barriers to domestic energy production. The National OCS Program proposes to make over 90 percent of the total OCS acreage and more than 98 percent of undiscovered, technically recoverable oil and gas resources in federal offshore areas available to consider for future exploration and development.

AFP's Vice President of External Affairs Chrissy Harbin issued the following statement:

Thursday's announcement follows through on President Trump's promise to remove the barriers to domestic energy production that have stifled economic growth and job creation over the past decade. Responsibly developing these areas means more affordable domestic energy, more jobs, more opportunity and a stronger economy for hardworking Americans. We applaud the administration for taking the next steps to develop this energy resource and look forward to continuing working with them to roll back the Obama-era regulatory state.

For further information or an interview, reach Levi Russell at LRussell@afphq.org or (703) 853-

4090.

Americans for Prosperity (AFP) exists to recruit, educate, and mobilize citizens in support of the policies and goals of a free society at the local, state, and federal level, helping every American live their dream – especially the least fortunate. AFP has more than 3.2 million activists across the nation, a local infrastructure that includes 36 state chapters, and has received financial support from more than 100,000 Americans in all 50 states. For more information, visit www.AmericansForProsperity.org

###

Sent from my iPhone

--

Todd M. Wynn
Director of the Office of Intergovernmental and External Affairs
Office of the Secretary
U.S. Department of the Interior
Desk: (202) 208-6649
Cell: (202) 897-7269

NOTE: *Every email I send or receive is subject to release under the Freedom of Information Act.*

--

Todd M. Wynn
Director of the Office of Intergovernmental and External Affairs
Office of the Secretary
U.S. Department of the Interior
Desk: (202) 208-6649
Cell: (202) 897-7269

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Importance: Normal
Subject: Invitation: Conference Call @ Tue Jan 9, 2018 3:30pm - 4:30pm (todd_wynn@ios.doi.gov)
Start Date/Time: 2018-01-09T15:30:00-05:00
End Date/Time: 2018-01-09T16:30:00-05:00
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Conference Call

When

Tue Jan 9, 2018 3:30pm – 4:30pm Eastern Time

Video call

(b)(5),(b)(6)

Calendar

todd_wynn@ios.doi.gov

Who

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DTSTAMP

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ORGANIZER (CN=jason_funes@ios.doi.gov)
mailto:jason_funes@ios.doi.gov

UID

1tt0ni604nul2reghpgnssses2@google.com

Attendee mailto:todd_wynn@ios.doi.gov
Role REQ-PARTICIPANT
RSVP TRUE

Attendee mailto:charbin@afphq.org
Role REQ-PARTICIPANT
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End Date/Time: 2018-01-09T16:30:00-05:00
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Date:

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mailto:jason_funes@ios.doi.gov

UID

1tt0ni604nul2reghpgnssses2@google.com

Attendee mailto:jason_funes@ios.doi.gov
Role REQ-PARTICIPANT
RSVP TRUE

Attendee mailto:charbin@afphq.org
Role REQ-PARTICIPANT
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Importance: Normal

Subject: Accepted: Invitation: Conference Call @ Tue Jan 9, 2018 3:30pm - 4:30pm (EST)
(charbin@afphq.org)

Start Date/Time: 2018-01-09T15:30:00-05:00

End Date/Time: 2018-01-09T16:30:00-05:00

To: Chrissy Harbin[charbin@afphq.org]
From: Funes, Jason
Sent: 2018-01-10T13:49:40-05:00
Importance: Normal
Subject: Fwd: start of email on ocs
Received: 2018-01-10T13:50:17-05:00

Hey Chrissy,
Here is that background info for you...

As you are likely aware, Secretary of the Interior Ryan Zinke today announced the next step for developing the National Outer Continental Shelf Oil and Gas Leasing Program (National OCS Program) for 2019-2024, which proposes to make over 90 percent of the total OCS acreage and more than 98 percent of undiscovered, technically recoverable oil and gas resources in federal offshore areas available to consider for future exploration and development.

The Draft Proposed Program (DPP) includes 47 potential lease sales in 25 of the 26 planning areas – 19 sales off the coast of Alaska, 7 in the Pacific Region, 12 in the Gulf of Mexico, and 9 in the Atlantic Region. This is the largest number of lease sales ever proposed for the National OCS Program's 5-year lease schedule.

Release of the DPP is an early step in a multi-year process to develop a final National OCS Program for 2019-2024. Today's draft proposal was informed by approximately 816,000 comments from a wide variety of stakeholders, including state governments, federal agencies, public interest groups, industry, and the public. Before the program is finalized, the public will have additional opportunities to provide input. The 2017-2022 Five Year Program will continue to be implemented until the new National OCS Program is approved.

In conjunction with the announcement of the DPP, the Department is also publishing a Notice of Intent (NOI) to prepare a Draft Programmatic Environmental Impact Statement (EIS), in accordance with the National Environmental Policy Act. Public meetings will be held around the country to receive comments on the DPP and to inform the Draft Programmatic EIS.

Using the information received from these public meetings, BOEM will prepare a Proposed Program (PP), which will be published for public comment, to be followed by a Proposed Final Program (PFP). In addition, the Department will prepare a Draft Programmatic EIS to be published concurrently with the PP, and a Final EIS with the PFP.

The DPP and the NOI will be available for public comment for 60 days following the publication of the documents in the Federal Register.

For the press release, please visit: <https://www.doi.gov/pressreleases/secretary-zinke-announces-plan-unleashing-americas-offshore-oil-and-gas-potential>

For a FAQ, how to comment, public meeting information, maps and more, please visit:
<https://www.boem.gov/National-OCS-Program/>

Land Water Conservation Fund information with state by state breakdown of funds dispersed:

<https://www.doi.gov/pressreleases/secretary-zinke-announces-943-million-states-parks-and-outdoor-recreation-through-land>

Federal Register to comment on new 5yr plan:

<https://www.federalregister.gov/documents/2018/01/08/2018-00083/notice-of-availability-of-the-2019-2024-draft-proposed-outer-continental-shelf-oil-and-gas-leasing>

Townhall Style Meetings Jan 16 to Feb 28:

<https://www.boem.gov/National-Program-Participate/>

FAQ's:

<https://www.boem.gov/National-Program-FAQ/>

For Future contacts:

Todd M. Wynn
Director of the Office of Intergovernmental and External Affairs
Office of the Secretary
U.S. Department of the Interior
Desk: (202) 208-6649

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
Office: (202) 208-5541

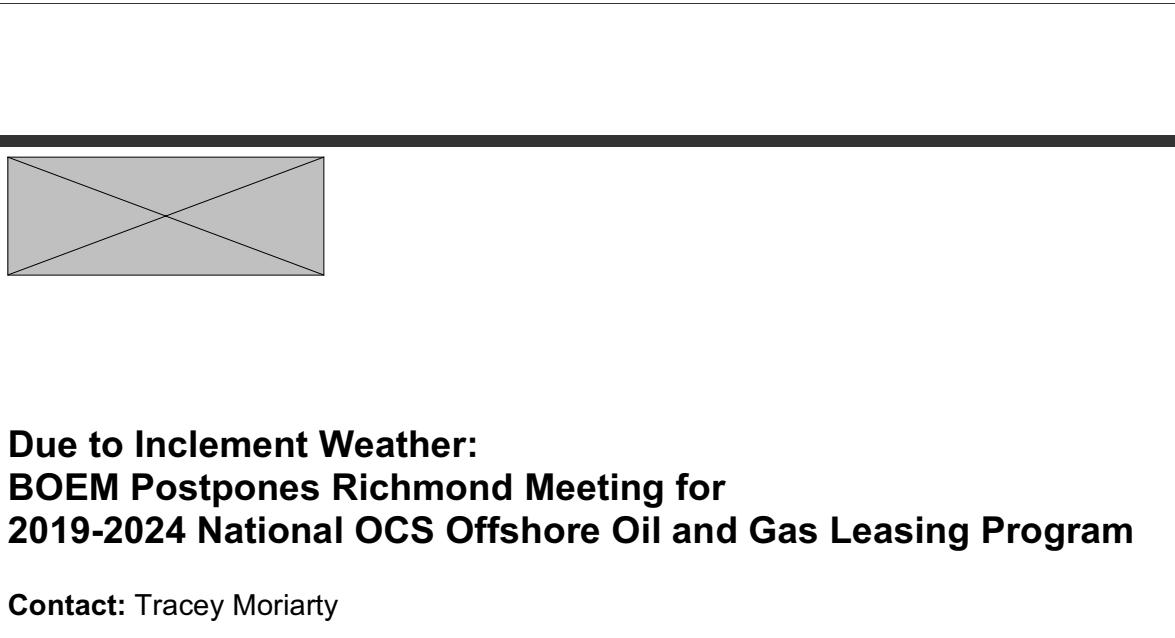
To: Chrissy Harbin[charbin@afphq.org]
From: Jason Funes
Sent: 2018-01-16T18:42:01-05:00
Importance: Normal
Subject: Fwd: Due to Inclement Weather: BOEM Postpones Richmond Meeting for 2019-2024 National OCS Offshore Oil and Gas Leasing Program
Received: 2018-01-16T19:07:46-05:00

FYI

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
(202) 208-5541

Begin forwarded message:

From: Bureau of Ocean Energy Management Office of Public Affairs
<boempublicaffairs@boem.gov>
Date: January 16, 2018 at 6:04:41 PM EST
To: <jason_funes@ios.doi.gov>
Subject: Due to Inclement Weather: BOEM Postpones Richmond Meeting for 2019-2024 National OCS Offshore Oil and Gas Leasing Program
Reply-To: <boempublicaffairs@boem.gov>



703-787-1571

On January 4, 2018 the Department of Interior announced publication of a Draft Proposed Program (DPP) in support of the National Outer Continental Shelf Oil and Gas Leasing Program (National OCS Program), as well as a Notice of Intent (NOI) to develop a Programmatic Environmental Impact Statement (PEIS).

In order to obtain public input for these two documents, the Bureau of Ocean Energy Management (BOEM) scheduled a series of public meetings, including one for Richmond, VA.

Due to potential hazardous weather conditions, BOEM is postponing the Richmond, Va meeting, which was originally scheduled for January 17, 2018. We apologize for any inconvenience this scheduling change may cause you.

We hope to reschedule the meeting in the near future, and we will keep you informed of our progress.

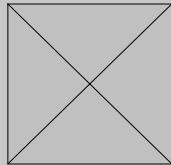
Please Note: BOEM has also launched a virtual meeting room on the BOEM website to allow those who are unable to attend a meeting access to the same information and participate in the commenting process.

The entire list of public meetings are available at boem.gov/National-Program-Participate and the virtual meeting room is available at boem.gov/virtual.

- BOEM -

About the Bureau of Ocean Energy Management

The Bureau of Ocean Energy Management (BOEM) promotes economic development, energy independence, and environmental protection through responsible, science-based management of offshore conventional and renewable energy and marine mineral resources.



For More Information:
BOEM
Office of Public Affairs
202.208.6474

Please visit us at
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Bureau of Ocean Energy Management,
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From: Funes, Jason
Sent: 2018-01-22T14:37:59-05:00
Importance: Normal
Subject: Fwd: Research Of Valuable Use
Received: 2018-01-22T14:39:52-05:00
[Impacts of Restricting Fossil Fuels - Keep It In The Ground Report.pdf](#)
[Minority and Female Employment \(One Pager\)- 2015 to 2035.pdf](#)
[Veterans and Energy \(1 Pager\).pdf](#)
[Energy Works - 6 Pager on Jobs and Economic Impact.pdf](#)
[Millennial Report - OnePager 2018.pdf](#)
[National Factsheet \(1 page\).pdf](#)

Hey Chrissy,

I wanted to follow up with you regarding some data/research regarding the economic impact of the energy industry both onshore and offshore.

I realize there are other organizations other than API that may publish work regarding this information, but as I browsed their website, this information seemed to stand out. I encourage you to use this or any other valid information regarding the economic impact the energy industry has here in the U.S. Also see the attached documents that are quite insightful.

2014's information that is still pertinent (bullet points):

<http://www.api.org/oil-and-natural-gas/wells-to-consumer/exploration-and-production/offshore/benefits-of-us-offshore-oil-and-natural>

<http://www.api.org/news-policy-and-issues/american-jobs/oil-gas-stimulate-american-jobs>

Thanks,

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
Office: (202) 208-5541

THE IMPACTS OF RESTRICTING FOSSIL FUEL ENERGY PRODUCTION



PREPARED BY **ONLOCATION, INC.**
SUITE 300, 501 CHURCH STREET NE | VIENNA, VA 22180

Contacts:

Questions and comments about this report should be directed to:

Lessly Goudarzi, CEO and Founder, OnLocation, Inc.

Frances Wood, Director, OnLocation, Inc.

www.onlocationinc.com



Key Findings

Based on the models used, a U.S. policy of “keep it in the ground” is projected to generate the following impacts relative to a reference case similar to EIA’s Annual Energy Outlook 2016 Reference Case. The keep it in the ground scenario includes no new oil and natural gas leases on private, State or federal lands, a ban on hydraulic fracturing, no new or expansions of existing coal mines, and no new energy infrastructure to transport oil and natural gas within and outside of North America.

Difference between KIG and Reference Case	<u>2020</u>	<u>2040</u>
Employment	-4.1 million	-5.9 million
Cumulative GDP (from 2018)	-\$823 billion	-\$11.8 trillion
Annual energy expenditures per household	+\$1,958	+\$4,552
US crude oil and NGL production	-6.0 MMbpd	-11.7 MMbpd
US natural gas production	-25 Bcfd	-81 Bcfd
Net liquid petroleum imports	+6.0 MMbpd	+11.1 MMbpd
Crude oil prices (WTI)	+\$25 per barrel	+\$40 per barrel
Natural gas prices (Henry Hub)	+\$8 per MMbtu	+\$21 per MMbtu
Retail electricity prices	24.1%	56.4%
Economy wide CO2 emissions	-3.5%	-13.1%

While the outcomes are on the edge of the model’s capabilities, they are indicative of the likely pressures that would result from a scenario as extreme as was modeled here. See Caveats and Limitations section for more discussion.

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Executive Summary

Over the last decade, the *Keep It In The Ground* (KIG) effort has evolved from its initial start as a movement to halt oil and gas development on public lands in the US to a climate movement. If successful, efforts to stop the extraction of fossil fuels over the next two decades could have a profound economic impact on the United States. The American Petroleum Institute (API) sponsored this study to spotlight the implications of a future in which *no new fossil fuel production development* occurs.

API commissioned OnLocation, Inc. to perform this study using the National Energy Modeling System (NEMS) that is maintained by the Energy Information Administration (EIA) and used to develop the Annual Energy Outlook (AEO). The AEO 2016 model and input files were used as a starting point and reference case in this analysis. The KIG assumptions provided by API to describe the KIG scenario included:

- No new private, State or Federal oil and natural gas leases
- A complete ban on the use of hydraulic fracturing technology in drilling for oil and gas
- No new coal mines or expansion of existing mines
- No new energy infrastructure (e.g., pipelines)
- Restricting imports/exports to existing trade infrastructure
- No expansion of international gas pipelines into the U.S.

To perform this study, OnLocation made changes to the NEMS model and data inputs to reflect the above assumptions. See Appendix A for a description of this implementation of NEMS. Since OnLocation performed this study and not EIA, all subsequent references to the model and its outputs will be referenced as coming from the KIG-NEMS.

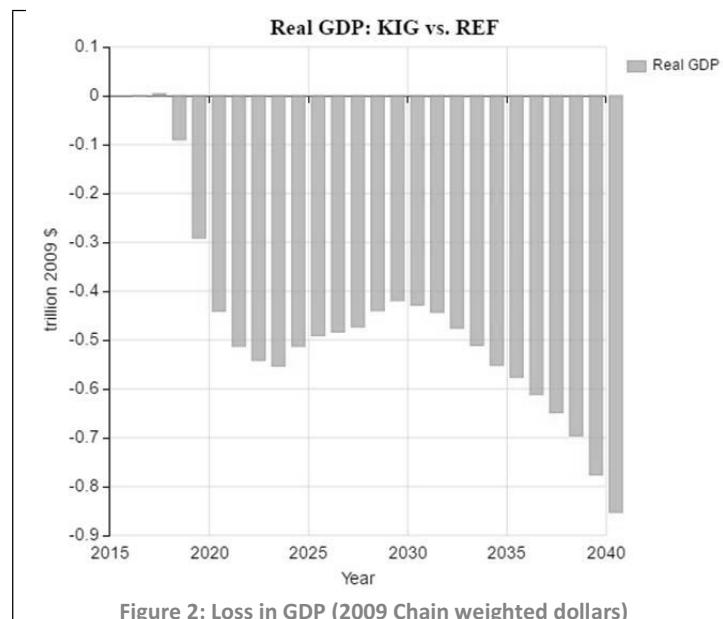
This Executive Summary presents the highlights of the Keep It in The Ground analysis. A more in-depth look at the results of the KIG-NEMS model runs are provided in the body of the report.

	Increase over Ref. Case		
	<u>2020</u>	<u>2030</u>	<u>2040</u>
Increase in Direct Household			
Energy Expenditures	\$783	\$938	\$1,167
Increase Over Reference Case	16%	21%	26%
Total Increase in Energy Expenditures			
Economy Wide / household	\$1,958	\$3,128	\$4,552
Increase Over Reference Case	19%	29%	39%
Natural Gas : Residential	74%	114%	124%
Motor Gasoline	11%	18%	24%
Average Electricity Price	24%	29%	56%

Figure 1: Potential Household Energy Expenditures and Price Increases Relative to Reference Case

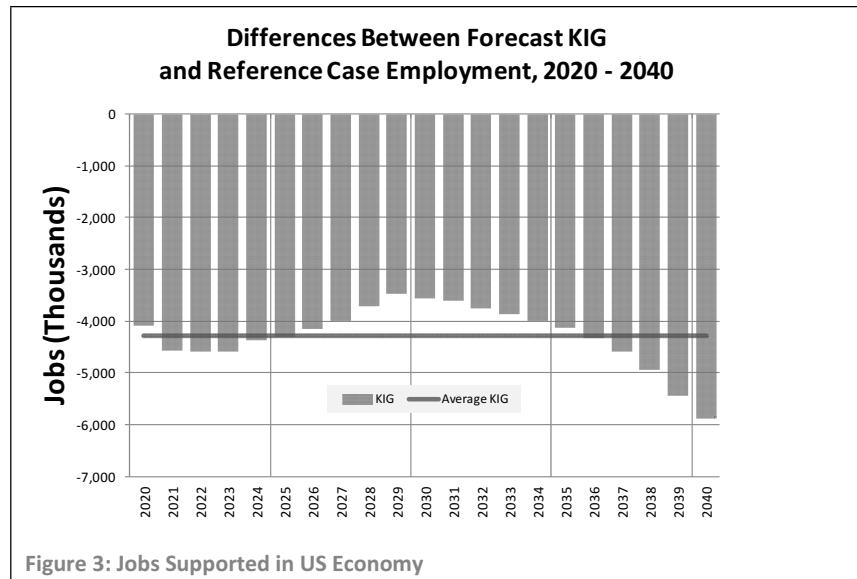
As one would expect, restricting US production of coal, natural gas and oil could drive up the prices of energy for consumers (Figure 1). Direct household energy expenditures (electricity, home heating/cooking and transportation fuels) could increase by \$1,167 in 2040. Including “hidden” energy costs in other goods and services, total additional household expenditures due to the KIG scenario could be roughly \$4,552.

A primary indicator used to gauge the health of the economy is the gross domestic product (GDP). Higher energy prices and lower domestic energy production lead to a significant drop in US GDP. In real dollar terms, GDP is reduced by \$440 billion in 2020 and \$850 billion in 2040 (Figure 2). The cumulative loss in GDP is estimated to be \$823 billion by 2020 and \$11.8 trillion by 2040.

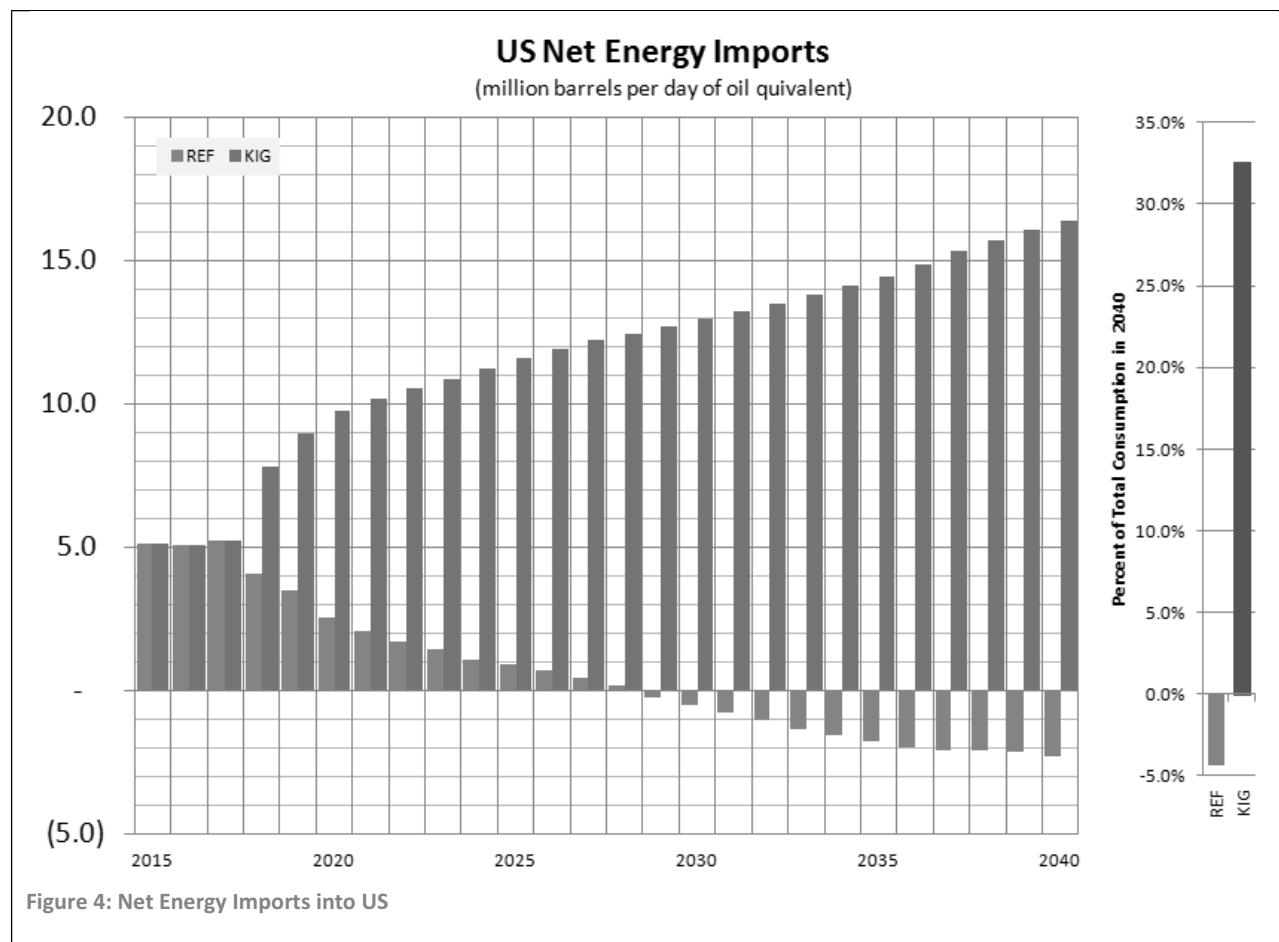


Lower GDP, higher energy prices and lower domestic production of energy lead to job losses. While the economy continues to grow, albeit at a slower pace, the lower level of economic activity leads to unprecedented job losses. As shown in Figure 3, over the forecast period, job losses range from 3.5 million to 5.9 million raising the unemployment rate to over 7% throughout much of the 2020-2040 period.¹

¹ Estimates of EMPLOYMENT AND JOBS FORECASTS CORRESPONDING TO TWO “LEAVE IT IN GROUND” SCENARIOS, Prepared for OnLocation, Inc. By Management Information Services, Inc., January 4, 2017



Restricted production leads to reversals in energy trade trends. As shown in Figure 4, the US goes from a net exporter of energy in the reference case to a net importer in the KIG scenario. Instead of being a net exporter and becoming energy secure, the US becomes a net importer of energy rising to unprecedented levels.



As is evident in the model outputs, KIG-NEMS is stretched to respond to the KIG scenarios. Because we are pushing the model significantly, one should view the results as being indicative and directionally accurate but not necessarily a point forecast. The reader should read the [Caveats and Limitations](#) section for more discussion.

Background

Over the last decade, the *Keep It In The Ground* (KIG) effort has evolved from its initial start as a movement to halt oil and gas development on public lands in the US to a climate movement. If successful, efforts to stop the extraction of fossil fuels over the next two decades could have a profound economic impact on the United States. The American Petroleum Institute (API) sponsored this study to spotlight the implications of a future in which *no new fossil fuel production development* occurs.

This study seeks to estimate the quantitative impact of the KIG scenario. While there are many energy models that could be employed in investigating a scenario like the KIG scenario (see the following section Approach for more specifics regarding the scenario), API chose to contract with OnLocation who has access and use of the Energy Information Administration's NEMS model. NEMS is used by EIA to project the energy, economic, environmental, and security impacts on the United States of alternative energy policies and different assumptions about energy markets. The projection horizon is approximately 25 years into the future². The projections in Annual Energy Outlook 2016 (AEO2016) are from the present through 2040.

This period is one in which technology, demographics, and economic conditions are sufficiently understood to represent energy markets with a reasonable degree of confidence. NEMS provides a consistent framework for representing the complex interactions of the U.S. energy system and its response to a wide variety of alternative assumptions and policies or policy initiatives. As an annual model, NEMS can also be used to examine the impact of new energy programs and policies.³

NEMS projections are not predictions of what will happen, but rather modeled estimates of what may happen given certain assumptions and methodologies. The NEMS model was developed and is maintained by EIA for use in developing annual projections for the "Annual Energy Outlook" and for evaluating energy policies based on service requests from Congress and various government agencies who specify the scenarios and assumptions for the analysis.

OnLocation has provided technical support in the design, development and application of the NEMS model since its creation over 20 years ago. Our technical and modeling experts have made major contributions to many of the modules of NEMS. Collectively, the staff of OnLocation has over 100 years of working experience with integrated energy models including NEMS. OnLocation's senior staff and associate consultants have provided insights and solutions to the business and policy challenges of the Department of Energy, Environmental Protection Agency, energy corporations and various non-governmental organizations that support policymakers in Congress and elsewhere. Using NEMS outputs, Management Information Systems, Inc., provided estimates of the employment impacts of the KIG scenario.

² Note, the latest release of NEMS goes to 2050 but was not available in time for this study. [See AEO2017](#)

³ [See EIA's Overview of NEMS](#)

Approach

To assess the Keep It in The Ground (KIG) future, OnLocation customized a version of EIA's National Energy Modeling System (NEMS) to assess the impact on energy markets and the economy. The state level impact estimated in this study was performed by Management Information Services, Inc. based on NEMS model outputs for the KIG scenario.

OnLocation used EIA's [Annual Energy Outlook 2016](#) Reference Case as the baseline: a business-as-usual trend estimate, given known technological and demographic trends and reflecting existing laws and regulations. The Reference case assumes Clean Power Plan (CPP) compliance through mass-based standards that establish caps on CO₂ emissions from fossil-fired generators covered by the CPP. The KIG scenarios were introduced into the model in 2018 at which point the economic impact becomes immediately visible in the estimates on various economic measures.

For the alternative "Keep It in The Ground" case, OnLocation worked with API staff to identify the specifications for a case that severely limits the expanded production of fossil fuels in the US. These specifications addressed changes to the model or model inputs to yield⁴:

- No new private, State or Federal oil and natural gas leases
- A complete ban on the use of hydraulic fracturing technology in drilling for oil and gas
- No new coal mines or expansion of existing mines
- No new energy infrastructure (e.g., pipelines)
- Restricting imports/exports to existing trade infrastructure
- No expansion of international gas pipelines into the U.S.

In addition to the Reference and KIG scenarios, a sensitivity case that limited construction of new nuclear power plants was evaluated.

OnLocation made appropriate modifications to the KIG-NEMS model⁵ to run the alternative "Keep It in The Ground" scenario in KIG-NEMS.

⁴ See Appendix II for a detailed discussion of the changes to the inputs and model code that were used to reflect these specifications.

⁵ To constrain the penetration of PV generation to reasonable levels given its potential impact on the grid, OnLocation modified the NEMS code. OnLocation previously made this modification in an earlier version of the NEMS code and the latest AEO2017 version of NEMS includes this code modification.

Results

U.S. policies of “keep it in the ground” (KIG) generate the following impacts relative to the EIA’s Annual Energy Outlook 2016 Reference Case. The keep it in the ground scenario includes no new oil and natural gas leases on private, State or federal lands, a ban on hydraulic fracturing, no new or expansions of existing coal mines, and no new energy infrastructure to transport oil and natural gas within and outside of North America. The KIG scenario model projects the following potential impacts:

- The KIG scenario leads to significantly higher energy prices, with oil prices \$40 per barrel higher by 2040 and natural gas prices \$21 per MMBtu higher than in the reference case. Retail electricity prices increase by 24 percent in 2020 and 56% in 2040.
- Domestic production of crude oil and natural gas liquids (NGLs) decreases by 6 million barrels per day (MMbpd) in 2020 and 11.7 MMbpd in 2040 while natural gas production decreases by 25 and 81 billion cubic feet per day (Bcf) in the same years respectively relative to the reference case.
- These higher energy prices and lower domestic fossil energy production lead to lower economic growth with a cumulative loss in GDP of \$823 (real 2009\$) billion by 2020 and \$11.8 (real 2009\$) trillion by 2040⁶.
- Job losses associated with the KIG scenario in 2020 were estimated to be 4.1 million and in 2040 were as high as 5.9 million.
- Net liquid petroleum imports increase by 6 MMbpd in 2020 and 11 MMbpd in 2040.
- Economy-wide energy expenditures increase by a cumulative \$470 million by 2020 and \$8.8 trillion by 2040 despite reduced energy consumption. In 2020 the increase equates to \$1,900 *per household* and by 2040 the increase is \$4,440.
- While coal prices rise due to limiting production capability in each region, overall coal consumption rises relative to the reference case due to fuel switching in the power sector.
- Economy-wide energy related CO₂ emissions decrease from the reference case by 3 percent in 2020 and 13 percent in 2040.

While the outcomes are on the edge of the model’s capabilities, they are indicative of the likely pressures that would result from a scenario as extreme as was modeled here. See Caveats and Limitations section for more discussion.

⁶ Macroeconomic values are presented in 2009 chain-weighted dollars. Unless otherwise stated, all other monetary values are in real 2015 dollars.

Economic Impacts (based on KIG-NEMS model)

GDP Impacts

- Lower U.S. energy production and higher energy prices reduce GDP by \$440 billion in 2020 and \$850 billion in 2040; the percentage difference ranges between 2.0 to 3.0 percent in the KIG scenario relative to the reference case.
- The cumulative loss is \$ 820 billion by 2020 and \$11.8 trillion by 2040 (undiscounted).

Industrial Output Impacts

- Industrial output expressed in monetary terms is initially lower (by \$250 billion in 2020) but then remains relatively unchanged from the reference case in the long-term due to higher embedded energy prices.
- The cumulative reduction from the reference case is \$470 billion by 2020 and \$4.3 trillion by 2040.

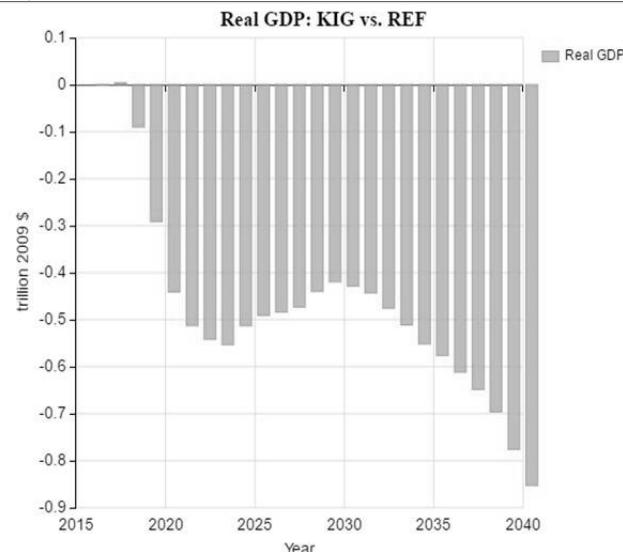


Figure 5: Loss in GDP (2009 Chain weighted dollars)

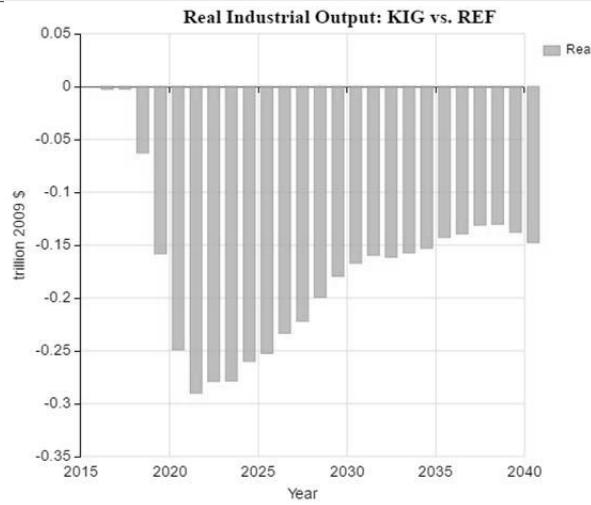


Figure 6: Loss in Real Industrial Output

Job Impacts (based on KIG-NEMS model)

Jobs Supported in US Economy

- A major result of the KIG scenario is the loss of an average of about 4.2 - 4.3 million job-years annually between 2020 and 2040 in the U.S., compared to the Reference Case.
- Job losses in 2020 were estimated to be 4.1 million and in 2040 were as high as 5.9 million.

Increases in Unemployment

- The KIG scenario results in a persistent recession level unemployment throughout the 2020-2040 period.
- Unemployment rates of 8.2% have been exceeded only twice in the past 70 years – in 1982-3 and 2009-11.

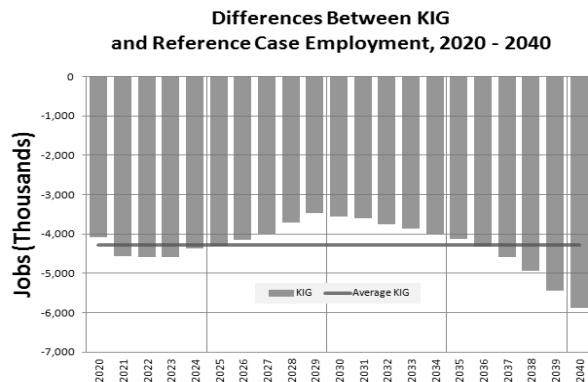


Figure 7: Loss in Jobs

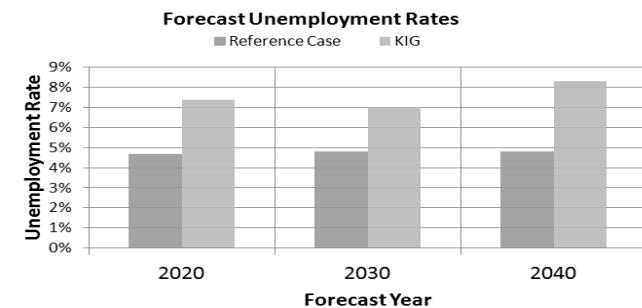


Figure 8: Unemployment

Jobs Losses by State in 2040

- The major state job losses are concentrated in those states that are the most energy industry-dependent and that lack a strong base of non-energy industries and jobs, such as North Dakota, West Virginia, and Wyoming.
- To derive the state job estimates, MISI used the KIG-NEMS estimates of the regional outputs compared to the Reference Case, across the nine Census Regions and the 22 Electricity Market Module Regions to determine the relative impacts among the states.
- MISI assumed that employment changes are related to the *changes* in energy production and consumption and estimated job changes as a function of the energy data series for electricity production and consumption by region.
- The resulting job estimates corresponding were determined by the energy market perturbations caused by the scenarios and the forecast state-by-state employment changes through 2040. (see following description of MISI Approach)

Jobs Losses By State KIG in 2040

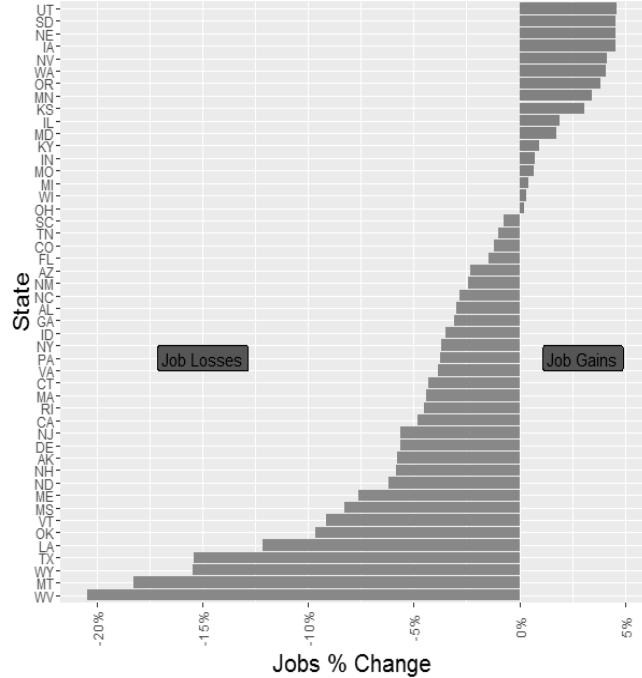


Figure 9: Job Losses by State in 2040

Management Information Systems, Inc. (MISI) Approach to Modeling Job Impacts ¹

- Using data from the KIG-NEMS scenarios, MISI was asked to estimate the employment impacts of the KIG scenario at the state level because KIG-NEMS does not generate state-level data.
- MISI estimated the employment and jobs impacts (direct and indirect) of the KIG scenario through 2040 using the full time equivalent job concept.
- MISI estimated job impacts in the U.S. for the years 2020 through 2040 and job impacts of lower 48 states for 2020, for 2030, and for 2040.
- MISI employment estimates may vary from those available from KIG-NEMS for several reasons.
 - State employment forecasts are not available from KIG-NEMS.
 - First Reference Case state population forecasts were developed using Weldon Cooper Center for Public Service, Demographics Research Group, projections, and using EIA AEO 2016 Reference Case total U.S. population forecasts as the control totals for each year.
 - Then Reference Case employment forecasts for each state were derived using the ratios of employment in each state to state population, available from BLS and Census. To be consistent, the national employment forecasts were reconciled with the state population and employment forecasts.
 - To derive the state job estimates corresponding to the KIG and the NN scenarios, MISI used the KIG-NEMS estimates of the regional outputs of the two scenarios, compared to the Reference Case, across the nine Census Regions and the 22 Electricity Market Module Regions to determine the relative impacts among the states.
 - MISI assumed that employment changes are related to the changes in energy production and consumption resulting from the two scenarios, and estimated job changes as a function of the energy data series for electricity production and consumption by region.
 - The resulting job estimates corresponding to each of the two alternate scenarios were determined by the regional energy market perturbations caused by the scenarios and the forecast state-by-state employment changes through 2040.
 - Relatively few states gained jobs and the state employment gains were usually much less than the job losses experienced in the most severely affected states.
 - Nevertheless, several states gain jobs under both scenarios, including Maryland, Minnesota, Nevada, Oregon, Utah, and Washington. The relatively few states that gain jobs are not fossil energy-dependent and have a strong base of non-fossil energy dependent sectors, industries, and jobs.
 - Thus, under both scenarios large job gains would likely occur in non-fossil energy dependent services and in industries such as Electric Vehicles, Hydrogen Vehicles, Solar Electric Power Generation, Wind Energy Systems, Geothermal Energy, Biomass Energy Systems, Photovoltaic Cells and Devices Manufacturing, Hydrogen Manufacturing, Hydro Energy, Energy Efficiency and Conservation Products and Systems, Hydrogen Energy Systems, Alternative Energy Systems, etc.
 - It is also important to note that job gains in these states are net job gains. Some jobs in certain sectors and industries could be lost under each scenario. However, these job losses could be exceeded by job gains in these states in other sectors and industries. Further, the job gains in these states could be accompanied by substantial job shifts among industries, sectors, and occupations within each state. That is, even in the states that gain jobs some industries and sectors would lose jobs. Further, even in those sectors and industries that gain jobs, some workers may be displaced.

¹ EMPLOYMENT AND JOBS FORECASTS CORRESPONDING TO TWO "LEAVE IT IN GROUND" SCENARIOS , Prepared For OnLocation, Inc. By Management Information Services, Inc., January 4, 2017

Energy Prices (based on KIG-NEMS model)

Home Energy Bills per Household

- Households could spend on average \$630 per year (up to almost \$800 in 2040) or over 30 percent more for energy use in their homes in the KIG case, even while consuming less energy (roughly 5 percent less in 2020 and 13 percent in 2040).
- Higher fuel prices could push up the average price of electricity by 24 percent in 2020 and 56 percent by 2040. The coal and gas price increases appear to compound at the end of the horizon
- Natural gas prices could be severely impacted by reduced domestic production, with Henry Hub prices potentially rising to almost \$26 per MMBTU by 2040 and residential prices potentially rising to almost \$28.
- Home heating oil prices potentially rise to significantly higher levels in the KIG scenario to over \$5.60 in constant 2015 dollars.

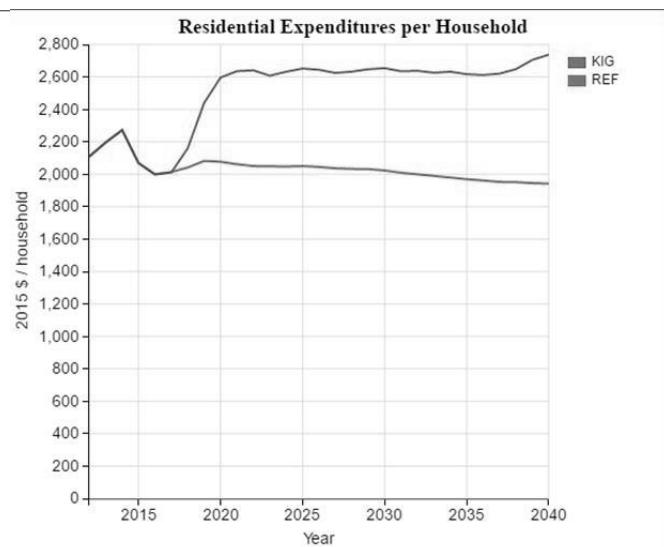


Figure 10: Residential Energy Expenditure Per Household

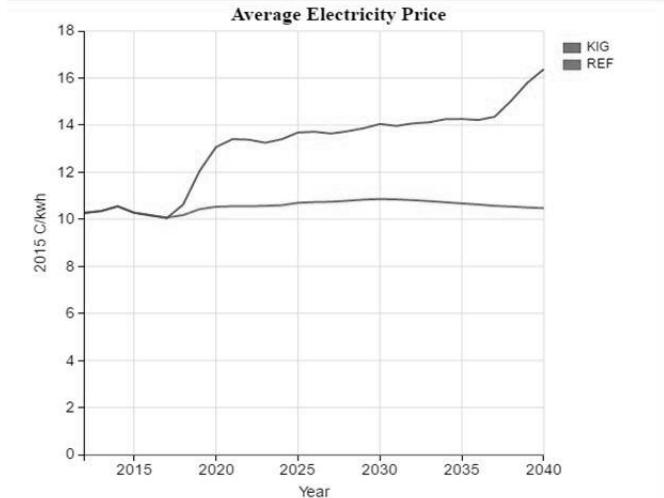


Figure 11: Average Electricity Price

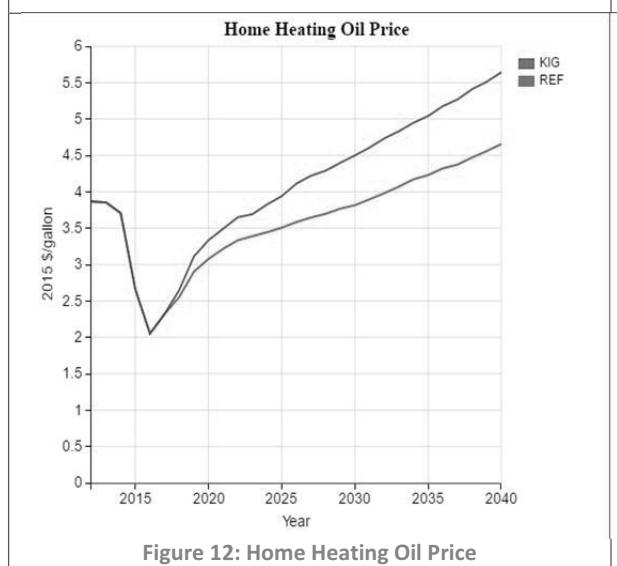


Figure 12: Home Heating Oil Price

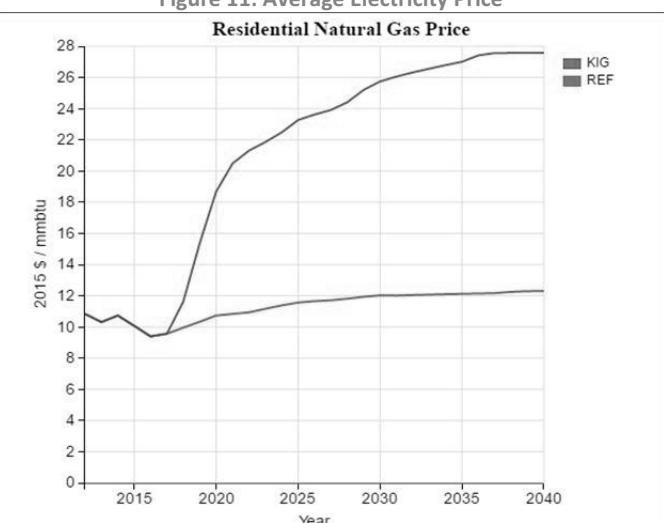


Figure 13: Residential Natural Gas Price

Energy Prices Continued (based on KIG-NEMS model)

Total Household Energy Bills

- When vehicle energy costs are included, the average household could spend an average of \$930 more per year or up to roughly \$1,167 in 2040.
- In the KIG scenario gasoline prices could rise to over \$4.70 in constant 2015 dollars significantly higher than in the Reference case scenario.

Total Economy-wide Energy Expenditures

- Total energy expenditures could be 18 percent higher in the KIG case than the reference case in 2020 and could increase to 38 percent higher in 2040, or a cumulative increase of \$470 billion by 2020 and \$8.8 trillion by 2040.
- On a per household basis, the expenditure increase could be \$1,958 in 2020 and \$4,552 in 2040.

Loss in Disposable Personal Income

- Disposable personal income is lower as energy prices could rise with a reduction of \$320 billion in 2020 and \$790 billion in 2040 relative to the reference case, which equals a cumulative reduction of \$560 billion by 2020 and \$10.7 trillion by 2040.
- On a per household basis this loss could be \$2440 in 2020 and \$4990 in 2040.

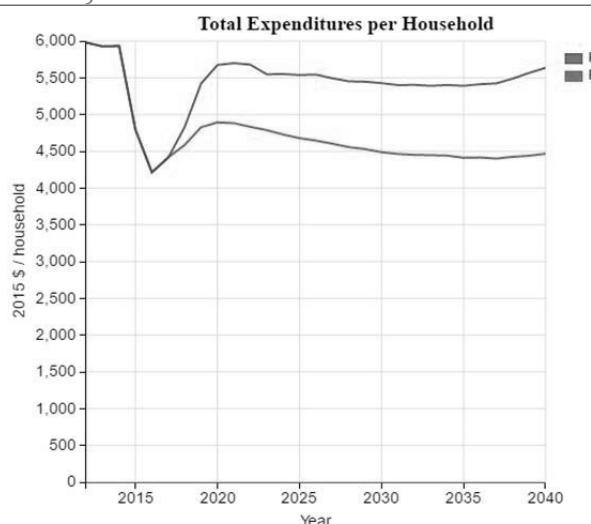


Figure 14: Total Expenditures Per Household

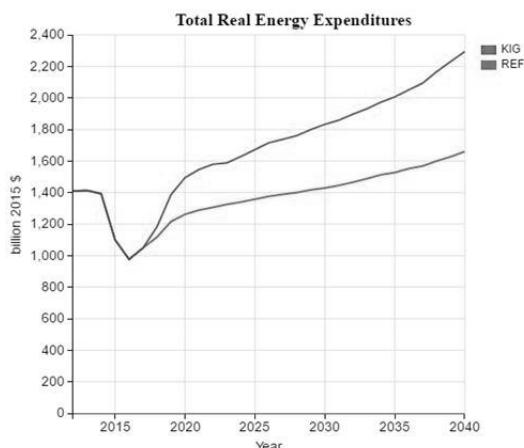


Figure 15: Total Real Energy Expenditures

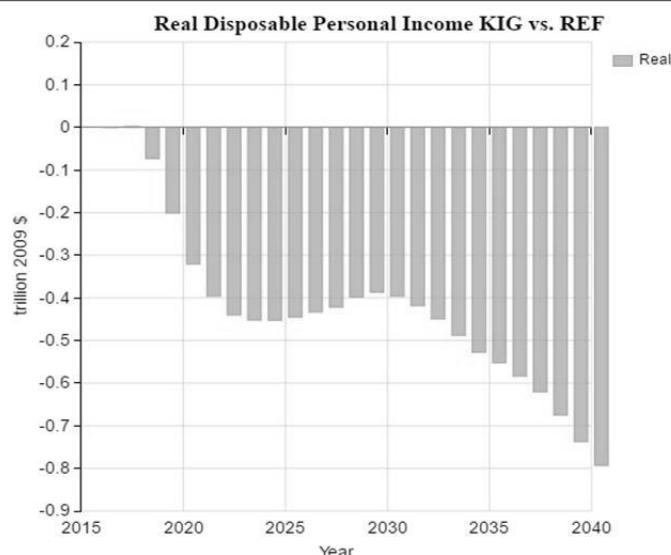


Figure 16: Loss in Real Disposable Income

Energy Prices Continued (based on KIG-NEMS model)

Other Energy Prices

- The model predicts that crude oil prices are driven up by lower U.S. production in the KIG scenario due to eliminating hydraulic fracking and without new private, State or Federal leases. They could rise to \$176 per barrel by 2040 compared to \$136 in the reference case.
- Gasoline prices could rise in parallel with crude oil prices, potentially increasing 11 percent by 2020 and 24 percent by 2040.
- Henry Hub natural gas prices could rise dramatically in response to no hydraulic fracturing and without new private, State or Federal natural gas leases. According to the model, natural gas prices were the most dramatically impacted by the KIG scenario, potentially rising by almost \$21 per MMBtu or 440 percent by 2040.
- By 2040, the model predicts that the price of coal to electric generators could increase by almost 40 percent relative to the reference case.

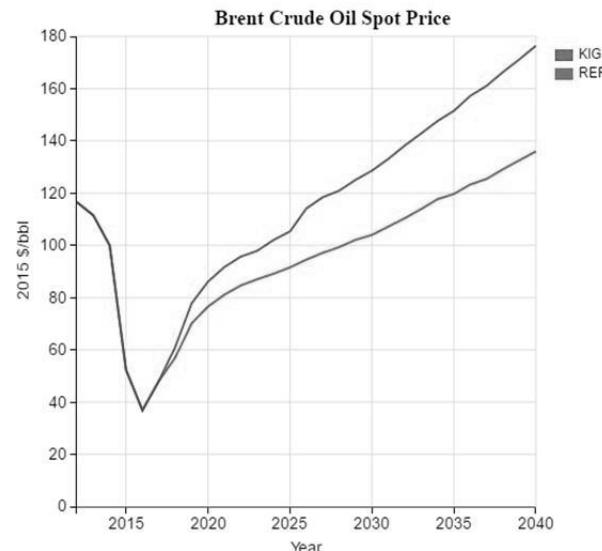


Figure 17: Brent Crude Oil Spot Price

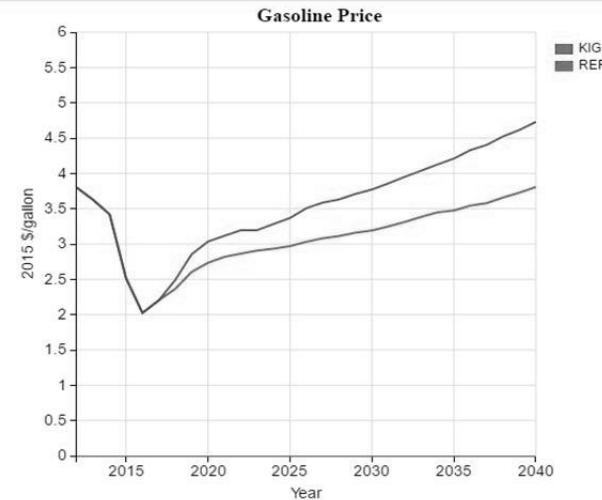


Figure 18: Gasoline Price

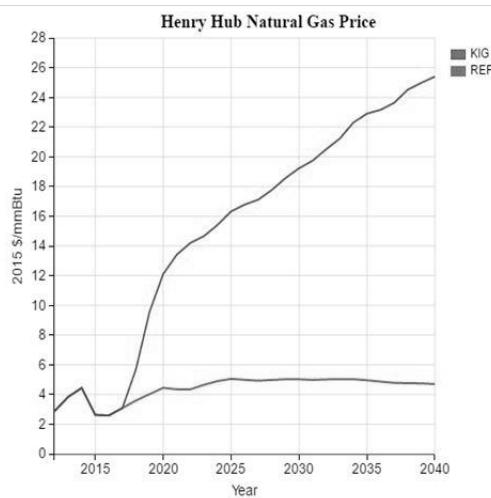


Figure 19: Henry Hub Natural Gas Price

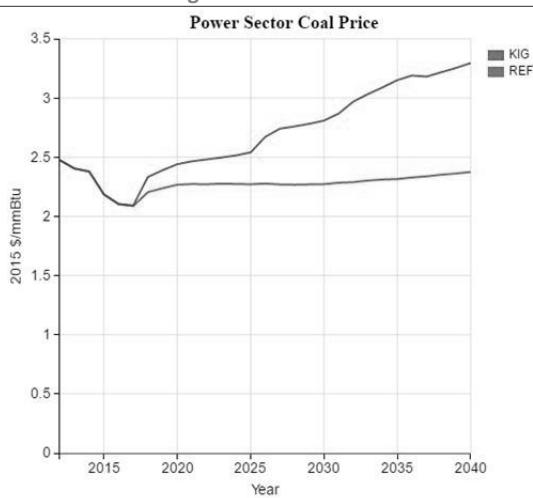


Figure 20: Power Sector Coal Price

Fossil Energy Production (based on KIG-NEMS model)

Oil and NGL Production Domestic oil production is significantly reduced immediately due to restrictions on hydraulic fracturing with a 6 MMbpd decrease in 2020, and further reductions occur over time as existing leases are depleted. By 2040 the loss in production is almost 12 MMbpd.

Natural Gas Production Similar reductions occur for natural gas, with significant reductions in shale gas production that was otherwise projected to provide the major share of increased production in the reference case. In 2020 production is 9 tcf or 25 Bcfd lower and by 2040 the loss is 29 Tcf or 81 Bcfd.

Coal Production

- Coal production is projected to decline in the reference case due to shrinking demand from the power sector.
- Although coal production is constrained, it still is higher than in the reference case due to the very high cost of natural gas and fuel switching in the power sector.
- Coal production increases by 67 million tons or 8 percent in 2020 from the reference case but stays below historic levels. The peak increase occurs in 2030 with an additional 155 million tons or 8 percent increase.

Energy Imports Restricted production leads to reversals in energy trade trends. The US goes from a net exporter of energy by 2029 in the reference case to an ever increasing net importer. By 2040 the US is importing almost 1/3 of its total energy needs.

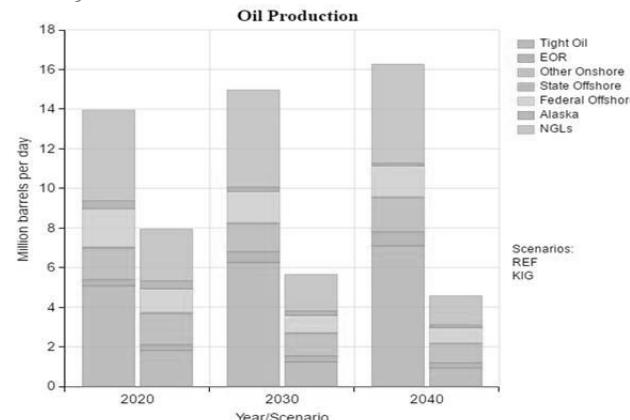


Figure 21: Oil Production

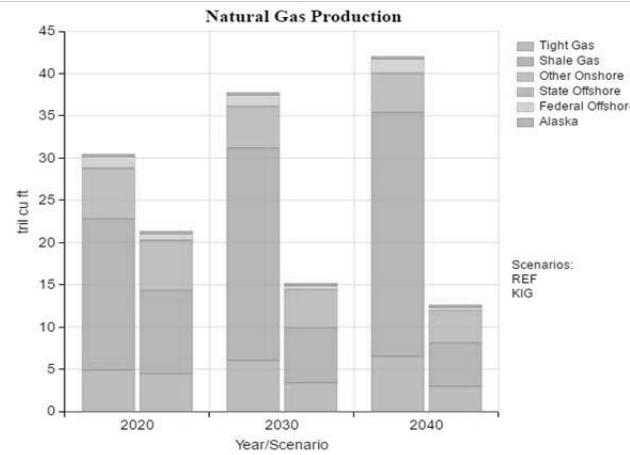


Figure 22: Natural Gas Production

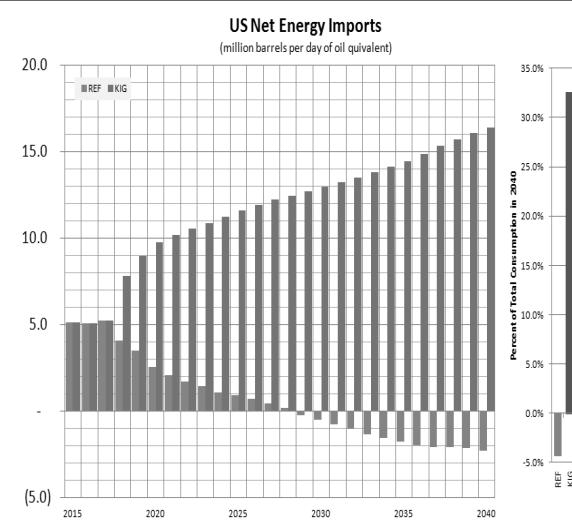


Figure 23: US Net Energy Imports

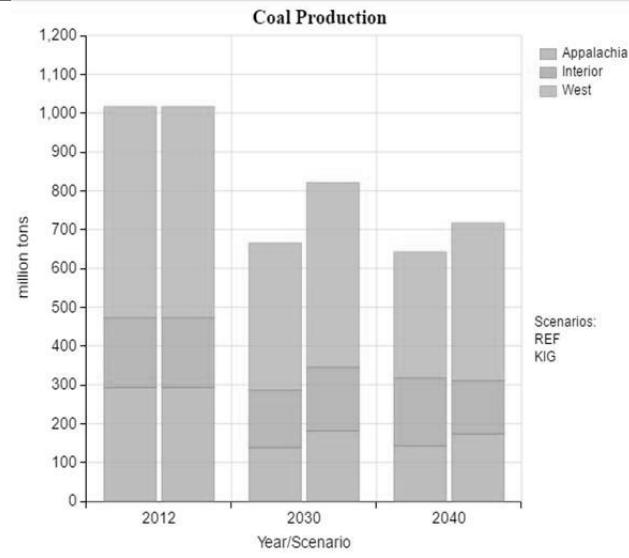


Figure 24: Coal Production

Fossil Energy Demand (based on KIG-NEMS model)

Liquids Fuel Demand The demand for liquid fuels (petroleum and biomass based) remains relatively constant between the cases as transportation demand shrinks due to higher prices while industrial demand increases due to substitution for natural gas.

- Transportation demand decreases by 0.6 quads in 2020 and 0.7 quads by 2040 (2 to 3 percent)
- Industrial liquids demand increases by 0.2 quads or 2 percent in 2020 and 0.5 quads or 4 percent in 2040.

Natural Gas Demand Natural gas demand is lower in all sectors in the KIG scenarios due to much higher prices, especially in the power sector where it is reduced by over 10 quads or 80 percent by 2040.

Coal Demand

- Coal use in the power sector increases in the KIG scenario by 1.4 quads in 2020 and 3.0 quads in 2040 relative to the Reference case.
- Coal use increases as part of the shift away from natural gas due to the latter's significantly higher relative price.
- The use of coal is declining in both scenarios driven by the Clean Power Plan; it just declines slower in the KIG scenario.
- In the last few years of the forecast, coal imports rise slightly.

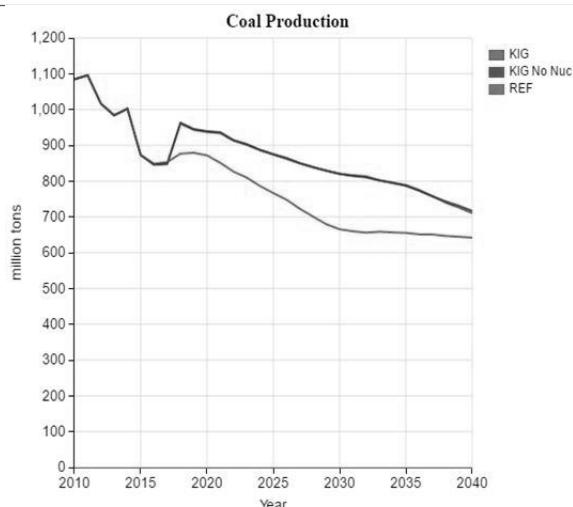


Figure 27: Coal Production Total

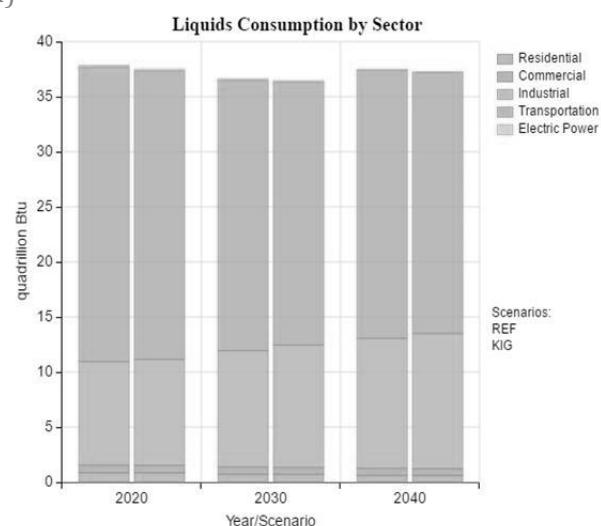


Figure 25: Liquid Fuels Consumption by Sector

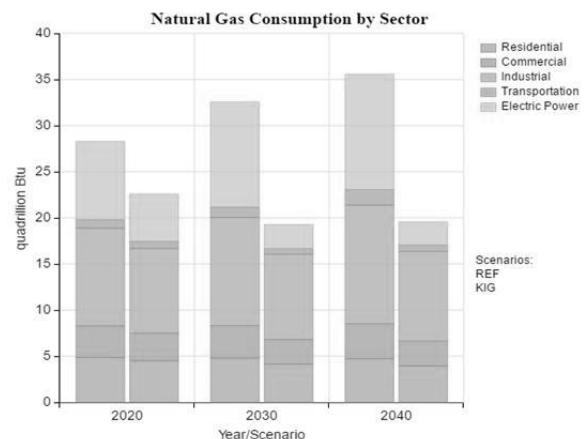


Figure 26: Natural Gas Consumption by Sector

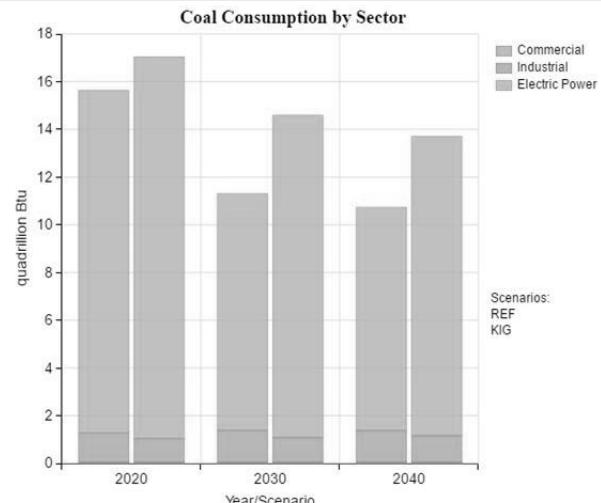


Figure 28: Coal Consumption by Sector

Fossil Energy Imports and Exports (based on KIG-NEMS model)

Net Oil Imports Instead of declining as in the reference case, net petroleum imports are projected to increase significantly in the KIG scenario.

- By 2020, net oil imports are 5.6 MMBpd higher than in the reference and by 2040 11.1 MMBpd higher, reaching a total of 12.5 MMBpd.

Natural Gas Imports and Exports

- Imports of natural gas rise to make up some of the domestic lost production although remain within the limits of the current infrastructure capacity
- At the same time, exports fall due to higher prices in the U.S.
- The total annual cost of imports rises to roughly \$6 billion in 2020 and \$129 billion in 2040 in the KIG case compared to a net revenue of \$48 billion and \$57 billion respectively in the Reference case.
- The cumulative difference is a net increase in outflows of \$2.2 trillion by 2040.

Net annual oil import expenditures Net annual expenditures for crude and product imports increase by \$150 billion in 2020 and \$580 billion 2040, leading to a cumulative increase in outflows of \$7.5 trillion by 2040.

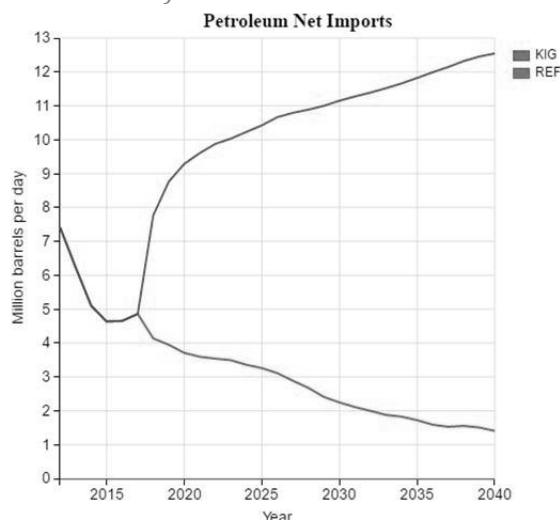


Figure 29: Petroleum Net Imports

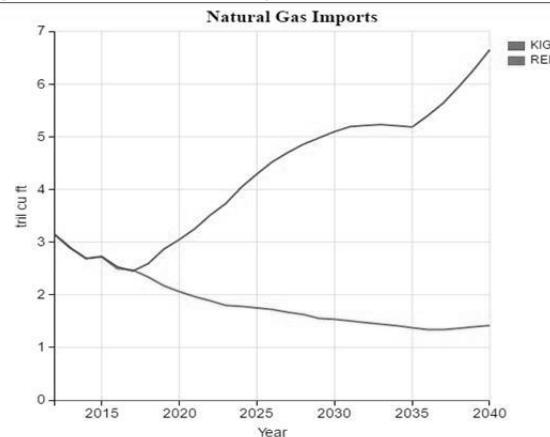


Figure 30: Natural Gas Imports

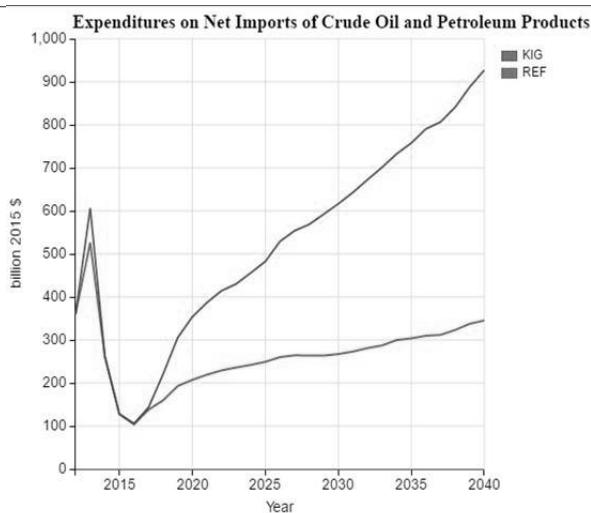


Figure 31: Expenditures on Net Imports of Crude/Petroleum Products

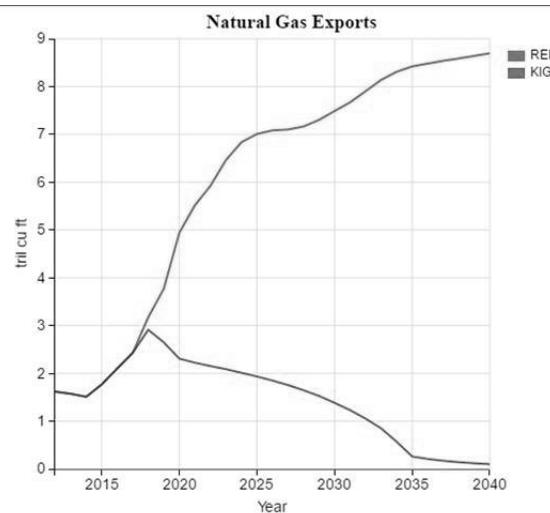


Figure 32: Natural Gas Exports

Electricity Generation (based on KIG-NEMS model)

Electric Power Due to the current diversity in power generation capacity, the power industry has the greatest ability to substitute fuels.

- As such the industry responds rapidly to the higher priced natural gas by shifting generation.
- The higher price of natural gas quickly could translate into a higher electricity price with a 24 percent increase from reference in 2020 and a 56 percent increase by 2040.
- Despite being relatively inelastic, the demand for electricity is reduced in response to the higher electricity price. Total electricity sales are 4 percent and 8 percent lower in the KIG case relative to reference in 2020 and 2040 respectively.

Electricity Generation

- As shown in Figure 35, in the face of higher natural gas prices, generation shifts away from natural gas.
- Natural gas generation is displaced by renewable energy sources (wind and solar), coal generation and nuclear power generation, as illustrated in Figure 36.

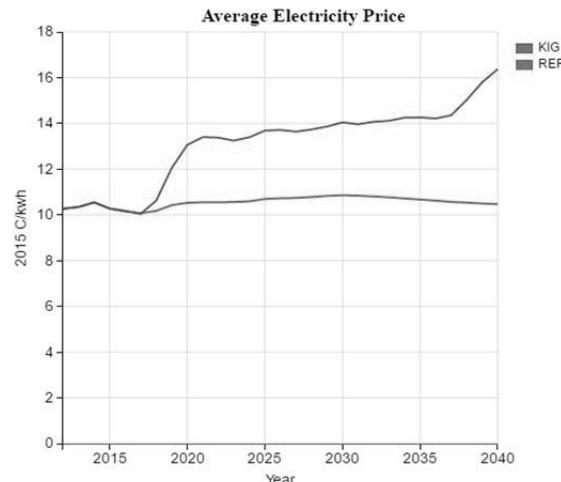


Figure 33: Average Electricity Price

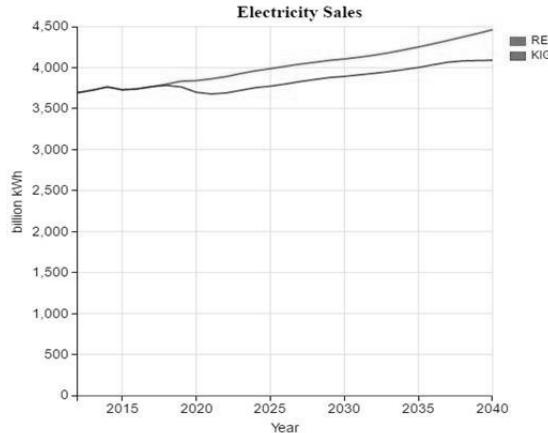


Figure 34: Electricity Sales

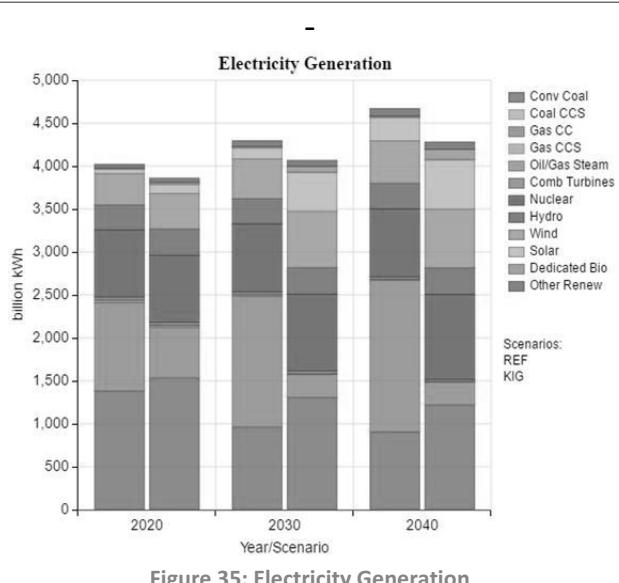


Figure 35: Electricity Generation

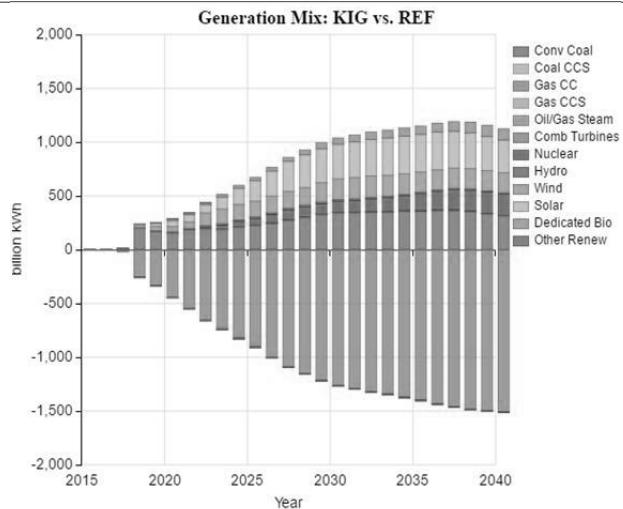


Figure 36: Changes in Generation Mix

Electricity Generation Continued (based on KIG-NEMS model)

Electricity Capacity

Reference Case has approximately 390 GW of capacity additions while the KIG case has about 520 GW.

- Reference and KIG cases have *no new coal* capacity additions.
- Reference case has only planned nuclear additions of 4.4 GW while the KIG case has an additional 25 GW of nuclear capacity built.
- In the Reference case about 200 GW of renewable capacity is added while in the KIG scenario the *majority* of new capacity is renewable with over 400 GW being built.
- Due to the intermittent nature of wind and photovoltaic (PV), more total capacity is needed even though generation is lower.

Capacity Retirements

The Reference case has a total of 190 GW of retirements. The KIG case retires an additional 55 GW of capacity.

- Higher natural gas prices lead to over 100 GW greater retirements of the less efficient and now more expensive oil and gas steam, gas turbine and combined cycle capacity in the KIG case.
- On the other hand, 48 GW less coal capacity retires in the KIG case.

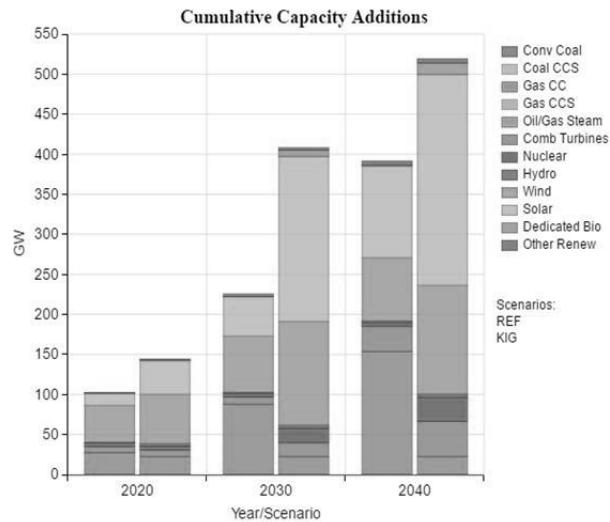


Figure 37: Cumulative Electric Capacity Additions

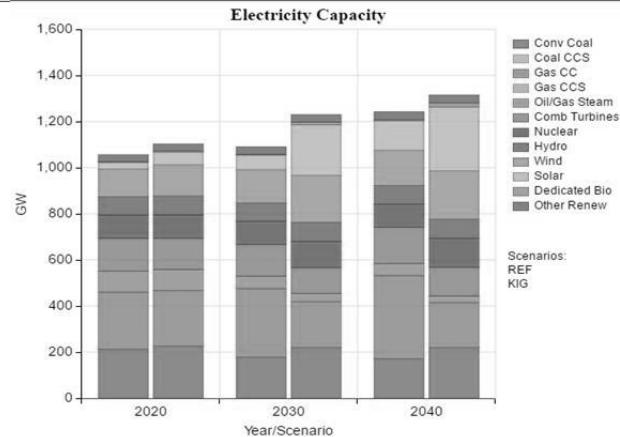


Figure 38: Electric Capacity in Select Years

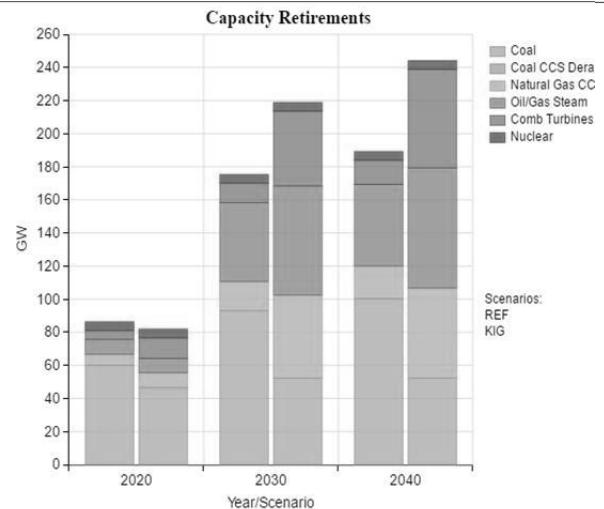


Figure 39: Cumulative Electric Capacity Retirements

No New Nuclear Power Plant Construction (based on KIG-NEMS model)

In the KIG case, new nuclear construction added about 25 GW of capacity. A case that did not allow any nuclear construction was added to assess the degree to which the new nuclear capacity was impacting the KIG results. This case assumed no new nuclear power plant construction was allowed except for the current 4GW planned and under construction.

GDP Impacts The restriction on nuclear construction had virtually no measurable impact on the KIG case.

Energy Prices Henry Hub natural gas prices could increase on average by \$1.00 (or 5 percent) as a result of the ban on new nuclear capacity in the KIG case, while electricity prices could rise on average 2 percent over the KIG case.

Energy Expenditures The natural gas and electricity prices could be incrementally higher in the No Nuclear case, which results in increased household expenditures and total energy expenditures.

Restricted Capacity Additions The restriction on new nuclear construction resulted in more wind and PV capacity.

Capacity Retirements The restriction on new nuclear construction resulted in greater retention of natural gas fired capacity (CC, Oil and Gas steam and combustion turbines)

Electricity Generation When new nuclear capacity cannot be added, additional generation is provided by gas combined cycles, wind and PV.

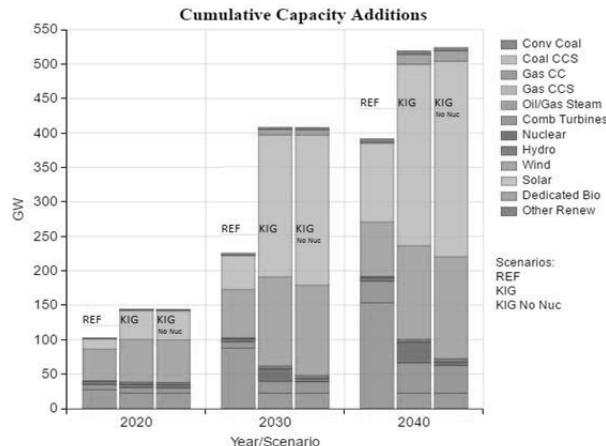


Figure 40: No New Nuclear: Cumulative Electric Capacity Additions

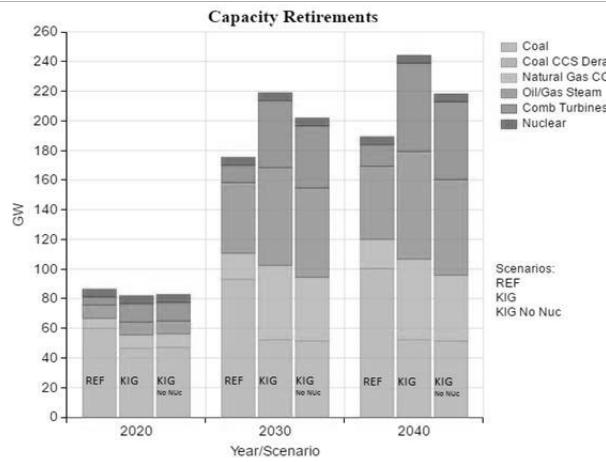


Figure 41: No New Nuclear: Cumulative Capacity Retirements

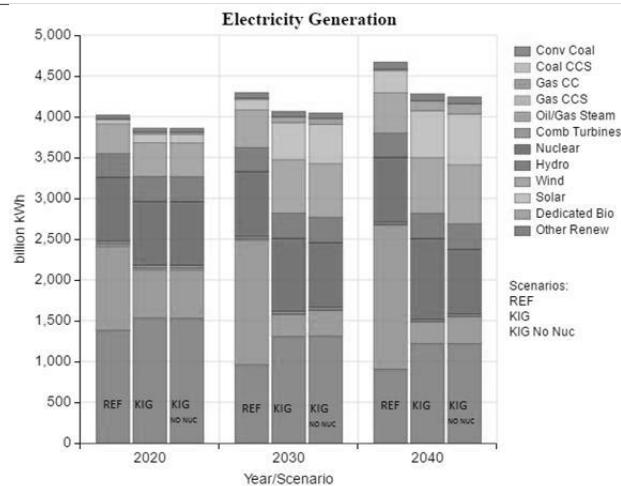


Figure 42: No New Nuclear: Electricity Generation

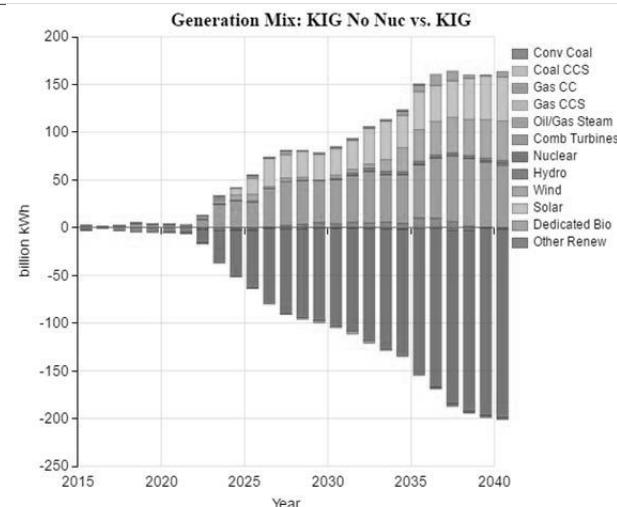


Figure 43: No New Nuclear: Changes in Generation Mix

Carbon Emissions (based on KIG-NEMS model)

Power Sector CO2 Emissions

The decline in fossil-fueled electricity generation reduces CO2 emissions relative to the reference case, but not dramatically due to an increase in coal generation.

- The inclusion of new nuclear capacity additions makes a relatively small difference
- Emissions are 20 to 24 MMT (1 percent) lower than the reference case in 2020, and 284 to 296 MMT (18 to 19 percent) lower in 2040, depending on whether new nuclear capacity is built
- Cumulative reductions are 0.1 gigatonnes by 2020 and 2.4 to 2.8 Gt or 6 to 7 percent lower in 2040
- In 2015 power emissions were 22 percent below their 2005 level. In the KIG scenarios in 2040, power sector emissions are roughly 48 percent below their 2005 level

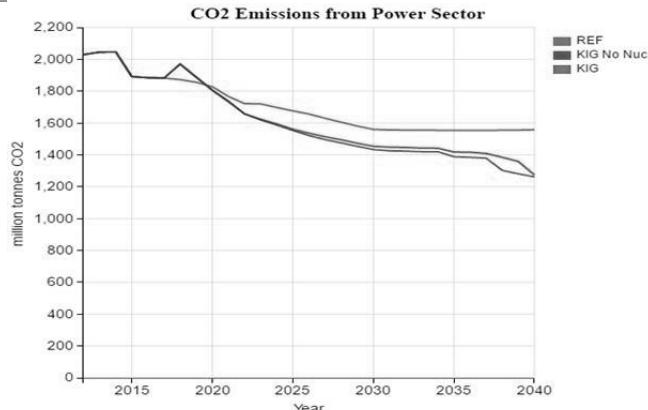


Figure 44: CO2 Emissions from Power Sector By Year

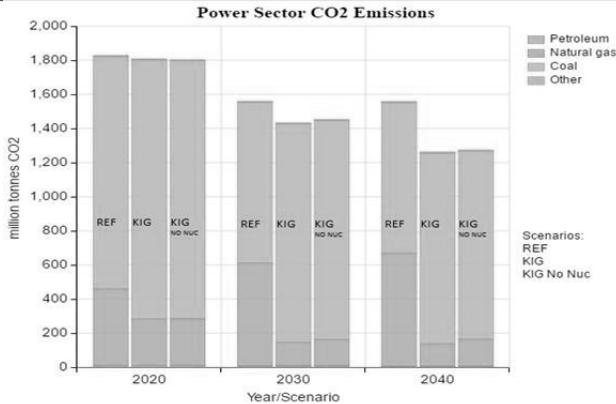


Figure 45: CO2 Emissions from Power Sector Select Years

Economy-Wide CO2 Emissions

- Emissions economy-wide are reduced by roughly 185 MMT in 2020 and 660 in 2040 or 3 and 13 percent respectively
- Cumulative emissions are 3.9 Gt lower in 2030 and 8.9 to 9.1 Gt in 2040 than the reference case which is a 7 percent reduction in each period
- In 2015 emissions were 12 percent below their 2005 level. In the KIG scenarios in 2040, the KIG achieves a 27 percent reduction from 2005 energy-related CO2 emissions

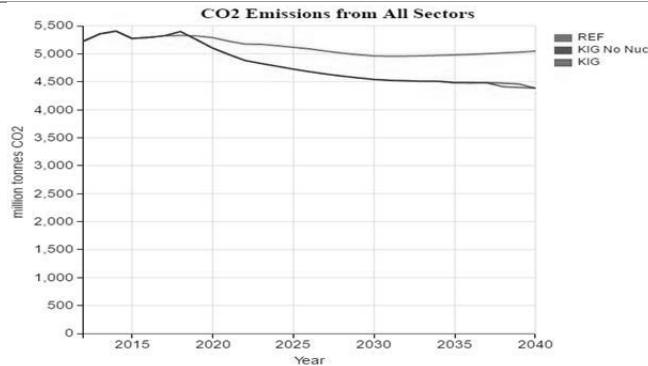


Figure 46: CO2 Emissions from All Sectors By Year

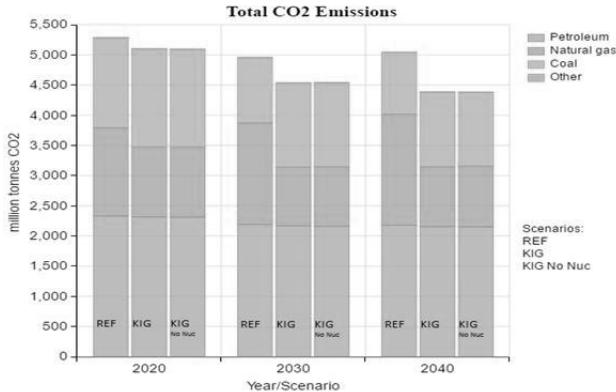


Figure 47: CO2 Emissions from All Sectors Select Years

Caveats and Limitations

Given the extreme nature of the KIG scenario, KIG-NEMS is stretched to respond to the KIG assumptions. OnLocation did not attempt to modify the model structure to allow more flexibility in the way that it responds to the KIG assumptions. Despite the model operating outside the range which it generally operates, we believe that the results of the KIG scenarios are directionally correct and provide a potential range of outcomes. The following list of bullets describes factors that might affect where one might fall in this range.

- **Oil Supply:** The significant reductions in domestic oil supply associated with the KIG scenario result in the model depending heavily on oil and petroleum product imports. The external supply curves used to represent the rest of the world oil supply and demand are hard pressed to reflect the KIG oil market conditions. If the international markets of oil supply and demand were represented more fully, the steep price rises would be ameliorated to an unknown extent.
- **Natural Gas Supply:** In addition to the restrictions on domestic natural gas supply, the KIG scenario restricts the ability of the model to import alternative supplies. The scenario limits the imports across Canadian pipelines to effectively current capacity levels and does not allow the expansion of LNG import terminals. Both assumptions reflect the KIG scenario. By shutting off alternative sources of natural gas, the model seeks a solution within its fuel substitution capability. The power sector can and does respond but the industrial sector and other sectors have much less flexibility in this modeling framework. As the very high natural gas prices persist throughout the model forecast, these prices would likely result in more adjustments in these sectors and perhaps even a preferential allocation of supply to certain sectors (e.g., residential) as has been the case in the past. In addition, the energy consuming equipment choices in the industrial and buildings sectors are based on historical buying behavior that would likely change given the prospect of perpetual high fossil energy prices.
- **Coal Supply:** Limits were imposed on coal production expansion by restricting coal output to levels recently achieved. To represent the depletion of existing coal mines, a gradual reduction in the coal supply potential in each region was imposed. As the power sector moves away from high priced natural gas, there is an initial surge in the use of coal, but this is quickly reversed and a steady decline in coal consumption emerges. Since the restriction in coal output was modeled through a proxy, the coal industry response might likely yield a variation of this response. The initial surge in coal use provides a relief valve for the model and thereby reduces the shorter-term impacts within the scenario.
- **Uncertainty:** Projections get more uncertain the further into the future they go, but the severe fuel availability limitations imposed by the KIG scenario make the projections even more uncertain since the model's use of trends based on historical and current technologies and behaviors do not include the extreme assumptions of the KIG scenario.

About OnLocation, Inc.

OnLocation/Energy Systems Consulting is recognized as a leading energy consultant providing objective quantitative analysis to a diverse set of energy policy stakeholders. Since 1984, OnLocation has served a broad range of government and industry clients with a common interest in energy and the environment. OnLocation's experienced professionals rely on thorough research and analysis to achieve practical and customized solutions for our clients. To help our clients understand the implications of the challenges facing our energy system, we develop, modify and apply a variety of computer models to examine potential energy trends, impacts of proposed government policies and the associated financial and economic impacts of energy related investment decisions. Collectively, the staff of OnLocation has over 100 years of working experience with integrated energy models including the National Energy Modeling System (NEMS), EIA's widely recognized energy model. OnLocation's senior staff and associate consultants have provided insights and solutions to the business and policy challenges of the Department of Energy, Environmental Protection Agency, energy corporations and various non-governmental organizations that support policymakers in Congress and elsewhere.

A common interest of many of our clients has been the design and potential impact of various energy and greenhouse gas reduction policies. OnLocation uses the NEMS model to analyze a wide variety of carbon policy formulations include carbon taxes, cap-and-trade schemes, and clean energy standards, as well as rate-based and mass-based options proposed in the Clean Power Plan. We have also used NEMS to examine the potential impacts of energy policies such as various types of tax incentives, and efficiency standards under a variety of energy futures. Each policy option has a unique set of incentives and challenges for market players that produce different outcomes for carbon emissions reductions, energy prices, fuel mix, energy supply markets and energy efficiency. Analysis of energy and environmental policies such as these require a fully integrated assessment of key issues and policies within a single model combined with the multi-sectoral expertise that OnLocation offers. A thorough understanding of all the NEMS energy sectors is vital to properly analyzing and understanding the implication of alternative energy policies.

Prior Clients and Studies

Our experience includes a wide variety of energy policy and climate-related modeling for government agencies, non-government organizations, and energy corporations. Our modeling activities in support of the Department of Energy Office of Energy Policy and Systems Analysis (DOE-EPSA) encompass a wide variety of climate-related issues, complementary policies, model comparison activities, and collaboration with DOE program offices and laboratories for scenario design and data needs. Our long-term support for the Bipartisan Policy Center adds to our experience using NEMS for a variety of climate and energy studies. Comprehensive multi-sector analysis for Resources for the Future (RFF), the National Energy Policy Institute (NEPI) and the U.S. Climate Action Partnership (USCAP) provided us with opportunities to analyze complementary policies in all sectors of the economy using NEMS as well as communicate with a diverse mix of stakeholders. NEMS modeling support for the USCAP Blueprint report and for Congressional testimony by the Clean Air Task Force (CATF) on the Lieberman-Warner cap-and-trade proposal provided us with the ability to use our policy insights to influence Congressional legislation on climate change and to work with clients who were not modelers themselves. We also successfully applied NEMS to analyze the impact of current tax provisions on greenhouse gasses for the National Academy of Sciences.

Appendix: KIG-NEMS, A Description of the NEMS Modifications

The reader should refer to the [Caveats and Limitations](#) section of this report for a greater perspective on this application of KIG-NEMS.

In order to capture the impacts of limiting US energy production associated with the API specification for the Keep It In The Ground scenario, a number of changes were required in the NEMS model. The following table captures at a high level the changes OnLocation made to accommodate these specifications.

PV Over-Generation Mitigation	Coal Production Restrictions	Oil and Gas Production Restrictions	Infrastructure Expansion Restrictions
<ul style="list-style-type: none">The aggregation of annual time periods in the electricity model leads to an over valuation of utility-scale PV in the AEO2016.OnLocation has implemented a model modification that provides a better view of potential over-generation (curtailments) of PV at high levels of penetration -- The model can still build PV that will be curtailed but sees the reduced economic value of the capacity.The capacity credit of PV was also reduced more severely as its share of generation is added to reflect the shift in timing of net peak loadAs in the standard NEMS, PV (as well as wind) increase grid spinning reserves requirements<i>Note, the latest AEO2017 version of NEMS includes this code modification.</i>	<ul style="list-style-type: none">Because the KIG-NEMS coal model does not have explicit representation of individual mines, a gradual reduction in the coal supply potential in each region was the next-best proxy for shutting off new mine developmentAn annual reduction was applied to the maximum coal production allowed	<ul style="list-style-type: none">All new hydraulic fracking and conventional discovery and exploration wells were eliminated starting in 2018Existing EOR was allowed expand but there is less potential available due to reduced conventional production over timeNew federal and state offshore drilling leases were eliminated	<ul style="list-style-type: none">Canadian cross-border pipeline capacity was restricted to 2015 levelsAssumed minimum U.S. NG exports to Canada were removed starting in 2018Potential Mackenzie and Alberta NG pipeline expansion was eliminatedNo new LNG import terminals are allowed in the KIG scenarios and existing LNG export terminals were not re-permitted to allow for imports.



MINORITY AND FEMALE EMPLOYMENT

IN THE OIL & NATURAL GAS AND PETROCHEMICAL INDUSTRIES, 2015-2035

KEY FINDINGS

Continuing a series of research studies, a new IHS report titled *Minority and Female Employment in the Oil & Natural Gas and Petrochemical Industries, 2015-2035* examines the long-term U.S. demographic and labor market trends that will create future job opportunities for minorities and women in the oil & natural gas and petrochemical industries. This comprehensive study presents projections of job opportunities by occupation, industry segment, minority group, and gender based on baseline industry growth and investment, jobs arising from pro-development policies, and the need to replace workers retiring from the industry. These employment projections should not be considered ceilings, but are estimates based on current and projected trends in factors such as labor force participation rates and population growth rates.

The principal findings of the new IHS report include:

- Nearly **1.3 million job opportunities** by 2025 and **close to 1.9 million job opportunities** by 2035 in the oil & natural gas and petrochemical industries considering all types of job growth.
- **707,000 jobs**, or 38% of the total, are projected to be filled by **African American and Hispanic workers** through 2035. (131,000 for African Americans and 576,000 for Hispanics).
- **Women** in the industry are projected to account for **more than 290,000 of the job opportunities**, 16% of the total through 2035.

THE NEARLY 1.9 MILLION DIRECT JOB OPPORTUNITIES PROJECTED THROUGH 2035 IN THE OIL & NATURAL GAS AND PETROCHEMICAL INDUSTRIES SPEAK TO THE CONTINUING IMPORTANCE OF THESE INDUSTRIES IN THE U.S. ECONOMY AS A WHOLE AND TO INDIVIDUALS AND FAMILIES LOOKING FOR WELL-PAYING CAREER OPPORTUNITIES.

IN FACT, BASED ON AVERAGE ANNUAL WAGE DATA FROM THE BUREAU OF LABOR STATISTICS, THE AVERAGE ANNUAL PAY IN THE OIL AND NATURAL GAS INDUSTRY IS OVER \$100,000, NEARLY \$50,000 HIGHER THAN THE 2014 U.S. AVERAGE.



OPPORTUNITIES FOR MINORITIES

- The share of minorities employed in the oil & natural gas and petrochemicals industries is rising: Minority employment will rise from about one-quarter of the total in 2015 to **more than one-third (36%) in 2035**.
- **African American and Hispanic workers** are projected to make up **over one-fourth** of the new hires in management, business, and financial jobs in the industry through 2035.
- Meaningful career opportunities also exist in the industry for other minority groups, such as Native Americans and Asian Americans. For example, in 2011 an estimated 20% of known U.S. oil and natural gas reserves were beneath tribal lands, with the Department of the Interior estimating that Indian lands could produce up to 5.35 billion barrels of oil and 37.7 trillion cubic feet of natural gas.

OPPORTUNITIES FOR WOMEN

There are already **more than 237,000 women working in the oil & natural gas and petrochemical industries**. Nearly half of those women (over 114,000) work in management and professional occupations.

- IHS projects continued opportunity for women in management and professional fields, with women accounting for 154,000 of these job opportunities through 2035.
- Much of the job growth is projected to occur in blue collar professions. There is significant potential for female blue collar employment if interest and training are directed toward women to increase female participation in those areas.

OPPORTUNITIES BY OCCUPATION

- **Fifty-seven percent of the job opportunities through 2035 are projected to be in blue collar occupations.** This suggests tremendous opportunity for workers with a high school diploma and some post-secondary training (e.g., certificates and community college).
- **One-third of the job opportunities are projected to be in management and professional fields** such as engineering, geoscience, management, finance, and as technicians. African Americans, Hispanics, and women who successfully complete college degrees in these fields would be highly competitive for workforce placement.

This study is part of a series of work developing strategies, research, and programs to better understand the challenges and opportunities associated with engaging and growing high impact strategic partnerships. **Minority workers and women represent critically vital and available talent pools to help meet the industry's future workforce demands.** Workforce training is key to this projected growth. In order for minority workers and women to be competitive for the 1.9 million job opportunities it will require:

- Significant improvement in minority and female participation in Science, Technology, Engineering and Mathematics (STEM) related disciplines at the primary and secondary school levels;
- Significant improvement in high school completion rates for Hispanics and African Americans;
- Secondary and post-secondary staff (e.g., principals, faculty, counselors) being trained to inform their students on the workforce opportunities in the industry and the training required;
- Partnerships between higher education and industry, especially at the community college level.

